

# CHAPTER ONE

## INTRODUCTION

### 1.1 Background of the Study

Nepal is a landlocked and small country. It covers an area of 1, 47,181 square kilometers. Nepal is an agricultural developing country where nearly of 84 percent people have depended on this occupation. Nepal has 2, 31,51,423 population with the growth rate 2.25 percent (CBS, 2001).69 percent people own less than one hectare land. The contribution of the agriculture to the total gross domestic product is 38 percent that is more than industrial or any other sector contribution. 31 percent population is below the absolute poverty line. Industrial activity is extremely low because of the intensified and primitive; it absorbs 78 percent of total labor force. At the situation the foreign employment is the best alternative employment opportunities to absorb growing labor force.

Human migration denotes any movement by human from one locality to another locality, often over long distances or large groups. Human are known to have migrated extensively throughout history and prehistory.

Migration has been perceived as socio-economic and demographic phenomena association with time and space. It denotes movement of people from one location to another for their better food, fiber and residence. It is not only affected by the population size but also its structure and socio-economic characteristics. Migration is not easily to define by the population census (2001).Migration has been defined as “a change of residence for 6 months or more either within the country or outside the country.”

“The movement of large number of people, birds or animal from one place to another” (Oxford Dictionary, 2000).

In seasonal migration, migrants leave their home at least once a year during the agriculture slack season.

Human migration has taken place at all time and in the greatest variety of circumstances. It has been tribal, national, class and individual. Its causes have been climate, political, economic, religious, or more love of adventure. Its causes and results are fundamental for the study of ethnology, political and social, history and political economy.

Migration also occurs within a country that is internal migration and migrant involves crossing national boundaries i.e. international migration. Migration is often analyzed as response to push and pull factors. Under employment and poverty in the rural areas, the lack of facilities and services, population presser in the land and so on, have been cited as push factors, on the other, the greater opportunities for employment in the city, the better and services, greater liberty of individual behavior, and so on have been cited as pull factors. Main impending factor of migration is poor economy.

Migration being one of the factors of population change may affect socio-economic condition at both the place of origin and destination. Migration balance the distribution of population and the supply of high resources area and low in poor resources area. It always reflects population and resources relationship. Different forms of migration modify area of the origin, the area of destination as well as the way of life of migrants.

There are more than 175 million migrants in the world today. People leave their countries for many reasons, including war and civil conflict, the desire of economic improvement, family reunification and environment degradation.

Since hundred of years in Nepal, there has been the practice for purpose of having business employment. Therefore, Nepal has a long history of migration. For instances, at first Nepalese people migrated to Lahor in Pakistan to join the army of

the Sikh. He earned the nick name “Lahure” which is still used for Nepalese in the foreign armies abroad. Since the past Nepal had been a country of origin of immigrants. About 191 years ago, when Kaji Amar Singh Thapa was defeated by the British Indian Armies, the Nepalese armies were scattered. In frustration, some were attracted by ‘Panjab Keshari’ Ranjeet Singh’s armed force which was fighting against East India Company and some joined in British East India Recruitment (Dahal,1999). This type of labor entry into the recruitment was legalized after the Indo-Nepal renowned treaty, Known as Sugauli Sandhi 1814. During the first and second world war Gurkhas were recruited a maximum number to send in the battlefield. It is said that Gurkhas as fighting force, were present in most part of the world.

Besides, the recruitments in British Indian army, new agriculture programmes carried out by British Indian in province such as Assam, Darjeeling, Burma etc. attracted common people presented of Nepalese hill to work and settle here. Later, many people also started going India to work as watchman and other. The limited number of Nepalese had gone Tibet for business and employment. In this context, great poet Laxmi Prasad Devkota wrote Muna Madan explaining the business/labor migration.

In case of labor migration, skilled as well as unskilled manpower is flying away from developing countries to developed countries. In recent days, from Nepal, unemployment youths are going to foreign countries to seek jobs. From 1990’s after the country adopted the policies of liberalization and globalization, policy makers and academicians began to fully acknowledge the importance of remittances sent by Nepalese employed from abroad for enhancing the livelihoods of the households, including the rural areas. Nowadays the number of job seekers to abroad is increasing day by day because of political conflict, unemployment and so on.

**Table 1.1**  
**Nepalese Trend of Foreign Employment**

<b>Serial no.</b>	<b>Fiscal year</b>	<b>Total no. of foreign employer</b>
<b>1</b>	<b>2056/57</b>	<b>35,543</b>
<b>2</b>	<b>2057/58</b>	<b>55,025</b>
<b>3</b>	<b>2058/59</b>	<b>1,04,739</b>
<b>4</b>	<b>2059/60</b>	<b>1,05,055</b>
<b>5</b>	<b>2060/61</b>	<b>1,06,660</b>
<b>6</b>	<b>2061/62</b>	<b>1,35,992</b>
<b>7</b>	<b>2062/63</b>	<b>1,77,506</b>
<b>8</b>	<b>2063/64 up to falgun</b>	<b>1,08,985</b>

**Source: *Economic Survey, 2063/64, MOF, GON, 2064***

Labor of Employment Promotion Department has recognized 107 countries where Nepalese have gone for employment purpose by official channel and most of the countries have been recorded only after 97/98. Record shows Nepalese people have speared all over the world but the flow of emigrants is mainly directed to the gulf countries, East Asian countries, India, European countries etc.

**Table 1.2**

**Major Destination of Nepalese Emigrant (worker)**

<b>Serial No.</b>	<b>.countries</b>	<b>2063/64 up to falgun</b>	<b>Total no.</b>
<b>1</b>	<b>Saudi Arabia</b>	<b>30,608</b>	<b>1,81,798</b>
<b>2</b>	<b>Qatar</b>	<b>48,937</b>	<b>2,55,322</b>
<b>3</b>	<b>U.A.E</b>	<b>19,442</b>	<b>1,00,211</b>
<b>4</b>	<b>Bahrain</b>	<b>955</b>	<b>6,338</b>
<b>5</b>	<b>Kuwait</b>	<b>1956</b>	<b>11,454</b>
<b>6</b>	<b>Oman</b>	<b>465</b>	<b>1,300</b>
<b>7</b>	<b>Hong Kong</b>	<b>307</b>	<b>3,650</b>
<b>8</b>	<b>Malaysia</b>	<b>62,948</b>	<b>3,67,615</b>
<b>9</b>	<b>Korea</b>	<b>683</b>	<b>6,359</b>
<b>10</b>	<b>Other countries</b>	<b>931</b>	<b>6,777</b>
	<b>Total</b>	<b>167232</b>	<b>9,40,824</b>

**Source: *Economic Survey, 2063/64 MOF, GON, 2064***

The above table indicates that the main destination of Nepalese emigrant is Malaysia, Qatar, U.A.E, and Saudi Arabia.

**1.2 Statement of the Problem**

International labor migration has become important among other sectors at present in Nepal. Nepalese foreign migrants have rapidly increased. Due to the unemployment situation caused by recent political unrest such as insurgency, numbers of households from rural village have compelled to go for foreign employment. Similarly, the households collect the money for this purpose by mortgaging and selling their land, properties and taking loan at high interest rate.

Because of illiteracy and scarcity of appropriate skill, they have to work abroad as an unskilled worker in low salary. Cases of betrayal and cheating by the manpower companies and local broker have emerged as some serious problems related with foreign employment. Due to the lack of opportunities of employment to sustain livelihood rural youths are compelled the option of labor migration and so for as the remittance from foreign employment is concerned they have not been utilizing in productive and creative sector. Due to lack of skill, they get a very low salary in foreign countries. Most of the migrants are male which is also related to move problems. The scarcity of man power is likely to have many changes in the livelihood strategy as well demographic and socio-economic situation.

The present study focuses on the different aspect of international labor migration. In this context, the present research has raised the following issues to be analyzed:

- . What is the socio-economic status of migrant households?
- . What are the stream and magnitude of emigrants?
- . What are the factors affecting the labor migration in the study?
- . What is the socio-economic impact on the origin place of labor migrants?

### **1.3 Objectives of the Study**

The general objectives of the study are to examine the gulf labor migration in Thulipokhari VDC of Parbat District. The specific objectives are as follows.

- . To study socio-economic status of emigrants households.
- . To analyze the stream and magnitude of emigrant
- . To analyze factors affecting labor migration.
- . To examine the socio- economic impact in origin of emigration in origin.

### **1.4 Significance of the Study**

Foreign employment has reduced the state of poverty and unemployment to a certain extant. The life style of the house holds that succeeded in going for

foreign employment has changed. But they have not been able to utilize and invest the whole remittances in a good way and productive sector. Therefore, how to invest and utilize the remittance has emerged as a major problem in the fields of foreign employment and the government also encourages the private institute to run skill development programmers to increase the demand of Nepalese workers in foreign countries as well as to make them capable to increase their salary and wages. Considering the huge amount of remittance coming into Nepal from foreign labor migration and its important role in Nepalese economy, it is hoped that this study will provide some understanding to the factors contributing to the prospects, potentialities and promises from the foreign labor migration and the problems and issues constraining the effective management monitoring the labor migration for as the nation. Therefore, it is expected that this study will assist in formulating appropriate policy, rules and regulations to make foreign labor migration Nepal work hard for sustaining their livelihoods so this study also contributes to make an effective policy and helps planner for development of these area.

### **1.5 Limitations of the Study**

- a. This study is totally based on primary data.
- b. Because of the concentration only on Gulf countries emigrant its generalization may not be applicable to the emigrants in other countries.
- c. This study is only the case study of Thuliphokhari VDC of Parbat District. So, it can not be generalized for other parts of the country.

### **1.6 Organization of the Study**

The first chapter is the introductory chapter. This chapter contains the general background, statement of research problem, objectives, significance and limitation of the study. The study of the literature on migration has been reviewed in the second chapter. The third chapter includes research methodology. The forth chapter is data tabulation and analysis which shows the socio-economic status,

causes stream magnitude, impact and attitude of labor migration. The fifth chapter and last are summary, conclusions and recommendations.



## **CHAPTER TWO**

### **LITERATURES REVIEW**

#### **2.1 General Background**

Migration is very complex phenomenon. It is very difficult to show the relation of migration between socio-economic variables. No certain and exact rule can be formulated about migration. One rule or formula may be unfit for another case.

The phenomenon of migration is as old as the history of mankind. It is a multidimensional phenomenon. Just as demographic, economic, social and cultural phenomenon and this is the subject of inquiry about a social science. Migration studies range from purely descriptive and statistical to the rule of operates with in environment having economic, social, and technological and policy components.

Review completed research is one of the integral part of research. It enables researcher to define intellectual tradition that has been drawn in the study of the researcher's topic. Through this, researcher should gain out the experience of others. To conduct this researcher also, some related literatures have been reviewed. The reviews of literature are broadly categorized into theoretical and empirical.

Various scholars have studied the migration process in different part of the world. Some scholars like demographers, population geographers, economist, and sociologist etc. in their respective fields. Many studies and models relating to migration which are relevant for the study have been reviewed here to stabilize patterns and other in understanding the migration decision of individual and household.

## 1.2 Review of Theoretical Models

Bauder's suggested the international migration of workers is necessary for the survival of industrialized economics ... (it) turns the conventional view of international migration on its head : it investigates how migration regulates labor market, rather than labor market shaping migration flows.(Bauder,2006)

Zelnisky Wilber presented mobility transaction hypothesis. He observed the pattern regularities in the growth of personal mobility from the beginning to recent time. There are number of stage of transition comprising modernization processes as components. Differences in economic advantages and wages are the main causes of migration of labor population. There are orderly changed in the type and amount of special mobility including change in function, frequency distribution, priority, distance and types of migration (Zelnisky Wilber, 1971).

Todaro has given the most significant contribution of the large volume of migration literature. His view that migration mechanism can be explained by the differences unexpected rather than actual earning between two places. He has formulated migration model four different features as:

Migration is stimulated primarily by national income considerations of reflective, which are mostly financial and psychological

The decision to migrate depends in expected rather than an actual new or old real wage differential.

The probability of obtaining employment in the new sector is inversely related to the unemployment rate in the new sector.

Migration rate of new employment opportunity growth rates are not only possible but rational as well and even likely (Todaro, 1969).

Lee formulated important approach in literature of migration which reveals that migration a result of "push" and "push" factor at the both origin and destination and the cost of overcoming the obstacles lying between the individuals

as well possible alternatives. The process of migration is influenced by factors associated with the area of origin and destination, intervening obstacles and personal factors. This model framework of pull and push factors and it summarizes the contribution on migration by Revenstien, Zipf, Stouffer, and other. There are usually three sets of factors i.e. positive, negative (Lee, 1966).

Stouffer developed the principle of intervening opportunities, which show that the number of persons moving to an area is directly proportional to the number of available opportunities and inversely and inversely proportional to the number of opportunities between origin and destination (Stouffer, 1960).

Bogue viewed migration as an adjustment in economic and social change. Migration redistributes the population of any territory by transferring people from one place to another (Bogue, 1959).

Zipf has studied migration and brought out an article in 1949 AD. In this article he had focused on the reason that compelled the migration to move. he has expressed the view in systematically and theoretically, on the destination of migrates that where is the origin and where is the destination of migrating. (Zipf, 1949).

Revenstein's (1889) was the first person to study migration systematically according to him there is certain undesirable factor in the place of origin which stimulates or compels the individual to migrate to the other places and likewise there factor in the destination that attracts the migrants. In this word the former factor are "push" and the latter are the "pull" factor causing the events of migration. Moreover, according to him the distance between place of origin and destination higher the distance occurs the volume of the migration and vice versa. He also said that the migration occurs with streams and counter streams are not sure that only. He distances between the origin and distention determine the volume of migration (Revenstein's,1889).

### **2.3 Empirical Research on Migration: Global Context**

Mansoor and Quillin reports about the international migration. The cores of the report document the history of migration. The remittances since transition and discuss determinants of migration. The distinctive pattern of migration experienced since transition will continue to exert an important impact on growth and development in the near future.

Migration creates challenges and opportunities for sending and receiving countries. For many net emigration countries in ECA households' income and national output are strongly tied to the income of migrants living and working abroad. Cross country growths studies conduct for these reports indicate that remittance have a positive impact on long term economic growth. Migration can allow migrant to learn new skill and can facilitate cross border trade and investment linkages Moreover labor importing CIS economics and the neighboring EU rely on migrant labor from the region to the maintain rates of economic growth and stands of living.

At last they suggested about the migration. First reform to the business investment climate and economic governance in the country of origin could reduce the incentives for migration as well as migrants to return home closely coordinate labor can meet demand through legal channel that respect the rights of migrants while also satisfying the political and satisfying the political and social sensitivities of receiving countries( Mansoor and Quillin ,2006).

Shubedi has explained that Nepal its status as a labor sending country in the 21<sup>st</sup> century. With current population of size 23.12million growing constantly over 2.2 percent per annum, more then 200 thousands young adults are entering into the labor force every year. Most of this entry is rural areas. Overwhelming majority of this population is unskilled. He argues that with poverty, lack of in-country employment opportunities amidst youth bulge, labor migration from Nepal is

imperative. Taking this into consideration the government considers promoting foreign labor migration of the citizens as way of to benefit both citizen and the country.

He further explained that foreign labor migration from increase over space and time in recent years then ever before. More than 160 employment agencies have been actively engaged in sending Nepalese workers to overseas countries. But unhealthy competitions between local recruiting agencies and cheating of the individual workers are not uncommon. Indian sub-continent still absorbs overwhelming majority of Nepalese international labor migrants but the recent labor migration through Foreign Employment Promoting had been directed towards West Asian and East and Southeast Asia.

According to him recent political event in the country is also forcing youths to leave the village and look for opportunities elsewhere. But mismatch demand (quality) and supply and safety of industry workers in Saudi Arabia and other areas the important issue to be considered while promoting labor migration (Shubedi, 2003).

Wyss has pointed out that the process or institutions involved in international labor migration with regard to accumulation of information, decision, preparation, financing and travel access to employment saving and remitting money are crucial. These processes influence the propensity to migrate and the potential contribution of labor migration to the live hood of people. Without denying the importance of incentives from potential receiving countries (pull-factor), it has to be emphasized that these factors are translated through how migration occurs and the assets this demands (Wyss, 2003).

United Nation has spent a lot of time to study migration in different part of the world in the different time. United Nation states that a fundamental characteristic of people in their movement from place to place. International

migration can have positive impact in the both the communities of the origin and the communities of destination. Migration also has the potential of facilitating the transfer of skill and contributing to cultural enrichment. Today the number of people residing outside their country of birth is at an all –time of about 175 million. More then double the number of a generation ago. The vast majority of migrants are making meaningful contribution to their host countries. At the same time, however international migrations entails the loss human resources for many countries of origin and give rise to political, economic, or social tensions in countries of destination.

The report also states that over the past three decades policies in the area of labor migration have developed along four major paths: growing restrictiveness and selectiveness in the admission of labor migrants in developed countries; a significant increase in the number of countries, particularly developing countries, that have become host to foreign workers; the rising recognition that the right of migrant workers and their families need to be protected and the about of regional agreements on the free movement of persons (United Nation ,2002).

The research study made by the UN-ESCAP, in 1987, Trends, Issues and Policies finds out the causes and consequences of migration from developing countries to the developing countries to the developed countries especially in Middle East. The findings of the study are also applicable and relevant in the present situation though the study is done in the end of eighties. The study found that after the heavy rise in the prices of oil in 1973 resulted in a massive inflow of financial resources into the oil exported countries to Middle East over a very short span of time, which expanded the construction programs such as infrastructure developments etc accelerate their economic and social development, which in turn give rise a large flow of labor migration into these regions.

It is also found that between 1970 and 1975 the share of migrant workers from the ESCAP region in the workplace of Bahrain, Kuwait, Qatar and UAE increased from 25.8 percent to 45.7 percent. In 1983, the share of Asian workers in total immigrant workers in the Middle East was estimated at 46.9 percent. By skill level, most of the workers are unskilled and semiskilled who were working in those regions, and their jobs were mainly on the construction which is categorized as dangerous to their citizens. So most of the South Asian workers were engaged construction activities. This pattern of employment is further confirmed by the fact that Arab nationals preferred jobs outside construction or manual works. The research study found that rapid population growth, a sequence of national calamities, general poverty and the increasingly high wage differential between these ESCAP countries and; other Middle East and Gulf Countries acted as strong incentives for workers to seek job opportunities abroad. The serious disruption accompanying these for democracy, followed by slow growth of the country's economy, acute problem of unemployment and extremely low salary and wage levels acted as highly effective push factors for outward migration.

According to the study, remittances by workers provided a source of income to families left behind and have also had a considerable impact on the economics of the countries in the ESCAP region which had experienced major outflows of labor in recent years. The major flow of emigrating workers in the recent past went to the oil exporting countries in the Middle East. It could be expected that the ME would constitute the major source of remittance flow to the labor exporting countries in the ESCAP region. It has also given the data labor the remittance outflows from oil exporting countries were 7.6 percent of total world outflows in 1970 and increased to 20 percent in 1980. Over the same period, the share of the developed marked economics in total remittance outflows declined from four fifths to two thirds. The developing ESCAP countries also more than doubled their share

in remittances inflows within the short time span between 1975 and 1980. The remittance income paid to the emigrant workers from the value added income which they contribute to produce, in turn does not affect the income of the host countries.

The study has investigated that a major benefit to the labor exporting countries can be seen to accrue to balance of payments as the remittance help to have favorable effects on balance of payments situation, as the remittance help to have favorable effects on investment and output. However, the monetary consequences of a sudden large inflow of cash remittance could generate inflationary pressure on the economy. Remittance can not impact badly to the economy of the host country, emigrant workers perform their work on aboard which is the activities of that country that help to the value added of that country. Receiving country is also benefited from remittance due to its contribution on foreign currency earnings.

It is found that banking facilities are not used by the emigrant workers because of the cumbersome procedures involved in effecting remittances through banking channels many workers unfamiliarity with such channels and the delays involved in transactions were considered to have discouraged persons countries, unauthorized money dealers despite the considerable risk of fraud and loss. The result was the loss of foreign exchange to the official account of the countries concerned. Over valuation of the exchange rate of the domestic currency also discouraged the use of banking channels.

The study suggests the major policy concerns are the protection of the emigrating workers legitimate rights and prevention of their exploration at the hands of the middle men and agents who emerged in large numbers, sensing opportunities to make money out of the huge trade in human beings. The other major policy issue was the need to regulate, facilitate in such a way that the



countries concerned could deserved the maximum economic benefits out of them (UN-ESCAP, 1987).

### **Related Literature to Migration: Nepalese Context**

Migration is a worldwide process in the past, present, and future. Nepal is not out of this process. Literature concerning migration on Nepal is extensive since it has become a subject for many social scientists.

Niroula, has studied the socio- economic impact of labor migration ‘A case study of emigration from Nangkholyang VDC Teplejung.’The objectives of the study were to understand the causes and impact of socio- economic characteristics of emigrants.

He concludes that all the migrants were young males who were literate. The push factors of emigration were unemployment, food deficiency, increase expenditure, lack of security and some family causes. On the other hand, availability of work presence of friends, relative, higher rate of salary and bright light were the pull factors of migration. The jobs picked by these people were building construction, Mechanics, Agriculture /farming, Industrial work and Hotel works. The impacts of emigration fell upon economic, social and demographic dimension. The impacts were positive as well as negative. The positive impacts were; higher earning, saving and a main source of up liftmen to their livelihood. The people tended to be more conscious. They tended to give more attention to education and sanitation. The negative impacts were labor shortage in the village, negligence of agriculture and mobility to urban areas. The domination of children and older population, low development activities and family problems were some other negative impacts of the emigration in the study area.

He recommends that to provide employment opportunities to the villagers, attention should be given in controlling population. Emphasis should be given in keeping livestock providing good qualities of animals and improving agriculture

system. Thus he provides micro-level information about emigrants in different aspects (Niroula, 2007).

Sharma provides a micro-level study of labor migration to the Arab countries in Jaidi VDC Baglung. The study defining migration includes push factor as non availability of land and work in village, lack of security other social factors. Similarly easy availability of job, higher wages, security, prances of relative and friends are regarded as major pull factors. He also points out the impact of emigration in the village. Decreases in active male population, shortage of labor force, social psychological anxiety are the some negative impacts where as improvement in knowledge of emigrants, life standards etc. are positive ones (Sharma, 2005).

Bhandari studied on international labor migration as livelihood strategy a case of study of Prithivinager VDC Jhapa. In this study focus was also given to the demographic and socio-economic characteristics of migrants and their households. He also examined the impact of labor migration on livelihood of the study (Bhandari, 2004).

Subedi, (2003), has explained that Nepal has been known as a labor sending country in the 21<sup>st</sup> century. With current population of size 23.12million growing constantly over 2.2 percent per annum, more than 200 thousands young adults are entering into the labor force every year. Most of this entry is rural areas. Overwhelming majority of this population is unskilled. He argues that with poverty, lack of in-country employment opportunities amidst youth bulge, labor migration from Nepal is imperative. Taking this into consideration the government considers promoting foreign labor migration of the citizens as way of to benefit both citizen and the country.

He further explained that foreign labor migration from increase over space and time in resent years then ever before. More then 160 employment agencies

have been actively engaged in sending Nepalese workers to overseas countries. But unhealthy competitions between local recruiting agencies and cheating of the individual workers are not uncommon. Indian sub-continent still absorbs overwhelming majority of Nepalese international labor migrants but the recent labor migration through Foreign Employment Promoting had been directed towards West Asian and East and Southeast Asia.

According to him recent political event in the country is also forcing youths to leave the village and look for opportunities elsewhere. But mismatch demand (quality) and supply and safety of industry workers in Saudi Arabia and other areas have been the important issue to be considered while promoting labor migration (*Subedi, 2003*).

Gyanwali, has explained the different aspect of emigration has affected the place of origin both positively and negatively. Such as some households have increased their standard and in other hand the local agriculture lands are changing into non-agriculture land. The emigration is also affecting the socio economic set up of the village (*Gyanwali, 2001*).

Seddon found that foreign labor migration and the income returned to the rural household of Nepal are the result of employment abroad while tending to consolidate existing inequalities, can for a significant minority of individuals and households, work against emigration trend and generate a real improvement of life and living standard For the very poor however these opportunities seem not to be available, as much because of the difficulties and risk of seeking employment abroad The very poor are in fact, relatively little involved in foreign labor migration. Their livelihoods have so far been, secured, though precariously, by the generation of local wage employment opportunities because of the outside earning of the wealthier households. Their survival is bought by their continued reliance and dependency on their employers and masters (*Seddon, 2001*).

Gautam provided micro level study of Kandebash in Baglung on emigration. He found that reasons for emigration were unemployment, food deficiency, and family causes and other personal reasons. He also founded that emigration has become a traditional occupation. He point out the impact of emigration in the village decrease in inactive male population, shortage of labor force , social psychological anxiety to family are some negative impacts where as improvement in knowledge of emigrants , life standard etc. are positive ones (*Gautam, 1999*).

Gurung carried a study of internal and international migration in Nepal. This study was sponsored by National commission of population. The objectives of the study were to analyze the nature, magnitude, caused and consequences of internal and international migration as well as to suggest policy measure and direction for programmed with regards to migration. This study selected on the basis of grid sampling and 2411 households were interviewed. In order to determine the nature and cause for employing foreign workers, 66 industries establishment were surveyed. To study out migration and emigration 404 household heads were interviewed, the study also concluded that approximately 94percent of the sampled in-migration family heads in Kathmandu valley were male. A large scale majority of in migration family head belongs to the 20-44 age category and majority of the sample household heads were married during 15-19 years with the 17.3 percentage average years of marriage (*Gurung, 1984*).

Shrestha in his study has indicated that ridge to valley migration of population is also a notable phenomenon. He has maintained that land ownership in the valley is the important stimulating factor and non economic (social and cultural) factors are not so important to move from hill to Terai (*Shrestha, 1983*).

Kansakar described the aspect of population in Nepal through the historical analysis of population change. He concludes that the basic reasons for migration

are poor economic condition of hill as compared to the Terai. Terai was destination of international migration. Finally, he suggested to the need for development of hill region (*Kansakr, 1974*).

Myron Weiner focused on the political implication of migration between Nepal and India dealing with internal migration immigration and implications of migration on the social and political affairs of Nepal and indicated that in past decades, India provided a “safety valve” for the growing population in Nepal in its hills region. Weiner concluded that the basic reasons for migration were high hill density, per land unit, employment opportunities outside the hills and eradication of malaria in the Terai (*Weiner, 1971*).

Mc Dougal has studied migration of western hills, inner Terai Terai in far western Nepal that includes Mahakali, Seti, Karnali and Rapti zones. It concludes that temporary migration is happened due to lack of cash income in the village. The cash is wanted for fulfillment of their daily needs, especially to buy salt, kerosene, clothes, sugar, and number of other necessities. The study further concludes that the destination of migrants was to India and was started nearly 20 (now 50) years ago. At last it has provided a part of solution as improve methods of production resulting in higher yields (*Dougal, 1968*).

There is an act namely Foreign Employment Act 2064 in order to control and regularize foreign employment. In this act Nepal government send can send worker through manpower agency or government owned institute Manpower Agency should send labour within the prescribed time limit otherwise they return the amount taken from such worker as the on interest @20% within 30 days If the worker unable to go to foreign employment after receiving the visa the workers should pay visa fee.

After study of this act come to know that there are so many provision to protect labour from misguide and government has been paying serious concern towards.

Based on the above literature, it is found that different scholars and writers have different views about migration, international migration, international migration, internal migration and their livelihood pattern. The above reviews of literature have been in this field of migration by different research institution and scholars and focus has on labor migration, causes and consequence, livelihood strategies and pattern of ethnic groups. Most are concerned with internal hill to Terai, rural to urban migration; some research and dissertation are concerned with emigration from Nepal but not in sufficient scale.

In this study the researcher focused on the neglected aspect such as very specially type of work. The above study also focused of type of work but these studies have only addressed the general types such a skilled, semi-skilled and unskilled. This micro level study aims to fulfill gap of knowledge of volume, trend, socio-economic status, causes and consequences of emigration the study area. This study has also focused the working condition, family contact, remittances and its use.

Many studies focused that factor of pull and push but that are not factor they are frame work. In this study break down the traditional view of push –pull factor it focuses on the other factor push-pull. Most of the studies on the migration in Nepal are bending to internal migration very and few researchers have dealt with emigration. Based on above migration review, there has almost nil study been done on the issue of emigration and its consequences in Thulipokhari VDC but this is being one of the serious issues for the local people.

## **CHAPTER THREE**

### **RESEARCH METHODOLOGY**

#### **3.1 Background**

To conduct a research in a systematic way requires a method. Methods are set of techniques or procedures of identifying a topic, receiving and the related literatures, conducting field work and writing a report. This section deals with how the idea of research was generated, why a particular location and social group is chosen. Why are particular methods employed? The sources and nature of information, tools and technique of information collection are discussed later in this section.

#### **3.2 Research Design and Procedure**

To cover the entire population of the study is more difficult and time consuming. To conduct a research in a scientific way there requires adopting certain sample design and procedure. Reliability and validity of the information used in the study depend upon the employed sample design and sampling procedure.

Each ward of Thulipokhari VDC contains sizeable number of emigrants and to choose the entire emigrants household was also difficult for this study. So, simple random sample survey was employed in order to collect primary data and the information about the emigrants of the study area.

##### **3.2.1 Sample Size Determination**

The information of total house holds of the study area was obtained from the VDC office, and then identifies the emigrant's households from each wards of the VDC. To represent the entire emigrant's households, about 50 percent were chosen from each ward of the VDC. Total 97 households of gulf labor migrant chosen for the general household survey a standard questionnaire were prepared to obtain information related to their demographic and socio economic condition of

emigrants household. Additionally, the emigrant's volume direction, cause and impact income before and after. Which is given in the Appendix I. similarly key informant question were asked to the villagers to get information about attitude, social impact etc. which is given in appendix 2.

**Table 3.1**  
**Sample Size of Households**

<b>Ward No.</b>	<b>Households</b>	<b>Migrant Households No</b>	<b>Surveyed Household No</b>
<b>1</b>	<b>75</b>	<b>12</b>	<b>6</b>
<b>2</b>	<b>94</b>	<b>8</b>	<b>4</b>
<b>3</b>	<b>85</b>	<b>6</b>	<b>3</b>
<b>4</b>	<b>80</b>	<b>18</b>	<b>9</b>
<b>5</b>	<b>63</b>	<b>8</b>	<b>4</b>
<b>6</b>	<b>59</b>	<b>4</b>	<b>2</b>
<b>7</b>	<b>67</b>	<b>14</b>	<b>7</b>
<b>8</b>	<b>53</b>	<b>5</b>	<b>3</b>
<b>9</b>	<b>68</b>	<b>21</b>	<b>11</b>
<b>Total</b>	<b>644</b>	<b>97</b>	<b>49</b>

**Source:** *Field Survey, 2008*

### **3.2.2 Method of Sample Selection**

Among the total households of the Thulipokhari VDC, only the 97 households were found whose family member have gone to the gulf countries for foreign employment. Among them 49 households i.e. 50 percent sample from the total gulf emigrant's households were surveyed on the basis of simple random sampling procedure.

### **3.3 Sources of Information**

The study included both primary and secondary sources of information. Because of the research's theme and objective of the study more emphasis had given to collect primary sources from field survey.



### **3.3.1 Primary Data Collection**

To fulfill the purpose of the study the field survey has been carried out in the each ward of the Thulipokhari VDC to observe the activities of the households regarding gulf migrants. The researcher has visited the study area to collect required information to observe socio-economic status, way of living of migrants and their households.

The primary information required for the study are information regarding the number of emigrated labors who have changed their residence from one operationally defined area to another area and their impact, volume, direction, causes and consequences. Then, latter includes information such as the pattern of migration and their socio-economic and demographic characteristics for instance sex, age, marital status, educational attainment, income level and family size of the of the individuals among those involved in their change of residence. The field survey for this study was conducted by using various tools and techniques. These are questionnaire, interview, observation and group discussion.

### **3.3.2 Secondary Data Collection**

Among the sources of secondary data and information has been collected from central library, population census reports and other literature, related journal, newspaper, published and unpublished reports of NPC, DDC and VDC of the study area. Overlays research publication of several research organizations like CEDA and Central Department of Economics and population studies. Collected secondary information of the national level was to analysis general situation of the foreign labor migration and the information of VDC level was used especially to analysis is the situation of the gulf labor migration of Thulipokhari VDC.

### **3.4 Method of Data Analysis**

Data has been analyzed and presented by adopting different technique to fulfill the objectives. The raw data collected from field survey were edited and then

processed, through data processing, editing, and coding followed by classification and tabulations. Some statistical tools like percentage, average, etc. have been used to analyze the data. To illustrate the research work necessary tables, charts, diagrams and maps have been used for the clarity of the data presented. The personal experience derived from the field observation and information from individual and focus group discussion have used while elaborating and specifying the text. Microsoft Excel has been used to analyze the calculated data. Simple quantitative measures have been adopted for data analysis.

## CHAPTER FOUR

### DATA TABULATION AND ANALYSIS

#### 4.1 Selection of Study Area

Thulipokhari VDC of Parbat district Western hill of the Nepal has been selected for the present investigation. It lies in the eastern part of the Parbat district. The VDC has very large size of young population and it is chosen for the outstanding importance of Gulf labor migration as livelihood strategy for its inhabitants. Unemployment is also increasing in the population. Therefore, the young generation is being emigrated towards the other countries. In this situation this issue regards to their livelihood status and strategies. Owing to all caused mentioned above, the selection of the study area has been significant.

#### 4.2 Demographic and Socio- Economic Characteristics of Emigrants

##### 4.2.1 Age and Sex Composition of Emigrants

The age composition is one of the basic characteristics of population. All the aspects of individual such as social, economic activities are affected by age

**Table 4.1**  
**Age and Sex Structure of Emigrants**

Age group	No. of Female	No. of Male	Percentage
20-24	–	11	23.40
25-29	–	18	38.30
30-34	–	9	19.15
35-39	–	6	12.77
40 -44	–	3	6.38
45 above	–	0	0
Total	–	47	100

Source: *Field Survey, 2008*

Table 4.1 reveals that no child and females labor is from the VDC. The highest flow of emigration has been from the age group of 25-29. From the field survey, it is also obvious that no labor from the age 45 has emigrated. From the table it is also clear that migration flow is decreasing from the age group of 30-34. So, we can conclude that economically most active population is emigrating from the VDC.

#### **4.2.2 Caste/Ethnic Composition of Emigrants**

The population of the Thulipokhari VDC consists of various ethnic groups. Sample house holds represent different caste and group like Brahmin, and Chhetri, who are the main inhabitants of this VDC. Other like Damai Kami and Sarki castes are minority in this VDC. Table 4.2 shows the caste / ethnic composition of emigrants.

**Table 4.2**  
**Caste/Ethnic Composition of Emigrants**

<b>Caste</b>	<b>No.of Emigrants</b>	<b>Percentage</b>
<b>Brahmins</b>	<b>35</b>	<b>74.47</b>
<b>Chhetri</b>	<b>7</b>	<b>14.89</b>
<b>Kami</b>	<b>4</b>	<b>8.51</b>
<b>Damai</b>	<b>1</b>	<b>2.13</b>
<b>Sarki</b>	<b>0</b>	<b>0</b>
<b>Total</b>	<b>47</b>	<b>100</b>

**Source: Field Survey, 2008**

Table 4.2 shows that out of the total 47 households Brahmins constitute single largest ethnic group. This group comprises about 74.47 percent, Chhetri comprise the second rank with 14.89 percent. Similarly, Kami 8.51 percent, Damai 2.13 percent and Sarki comprises 0 percent.

### 4.2.3 Educational Status of Emigrants

Education is a vital and key factor for foreign employment. The quality of the work and wages depends upon the emigrant's skill and education. But unfortunately still most of the emigrants are unskilled and lowly educated in Thulipokhari VDC.

**Table 4.3**  
**Educational Status of Emigrants**

<b>Education</b>	<b>No. of Emigrants</b>	<b>Percentage</b>
<b>Illiterate</b>	<b>2</b>	<b>3.7</b>
<b>Literate</b>	<b>0</b>	<b>0</b>
<b>Under SLC</b>	<b>27</b>	<b>50</b>
<b>Intermediate</b>	<b>23</b>	<b>42.59</b>
<b>Bachelor</b>	<b>2</b>	<b>3.7</b>
<b>Master</b>	<b>0</b>	<b>0</b>
<b>Total</b>	<b>54</b>	<b>100</b>

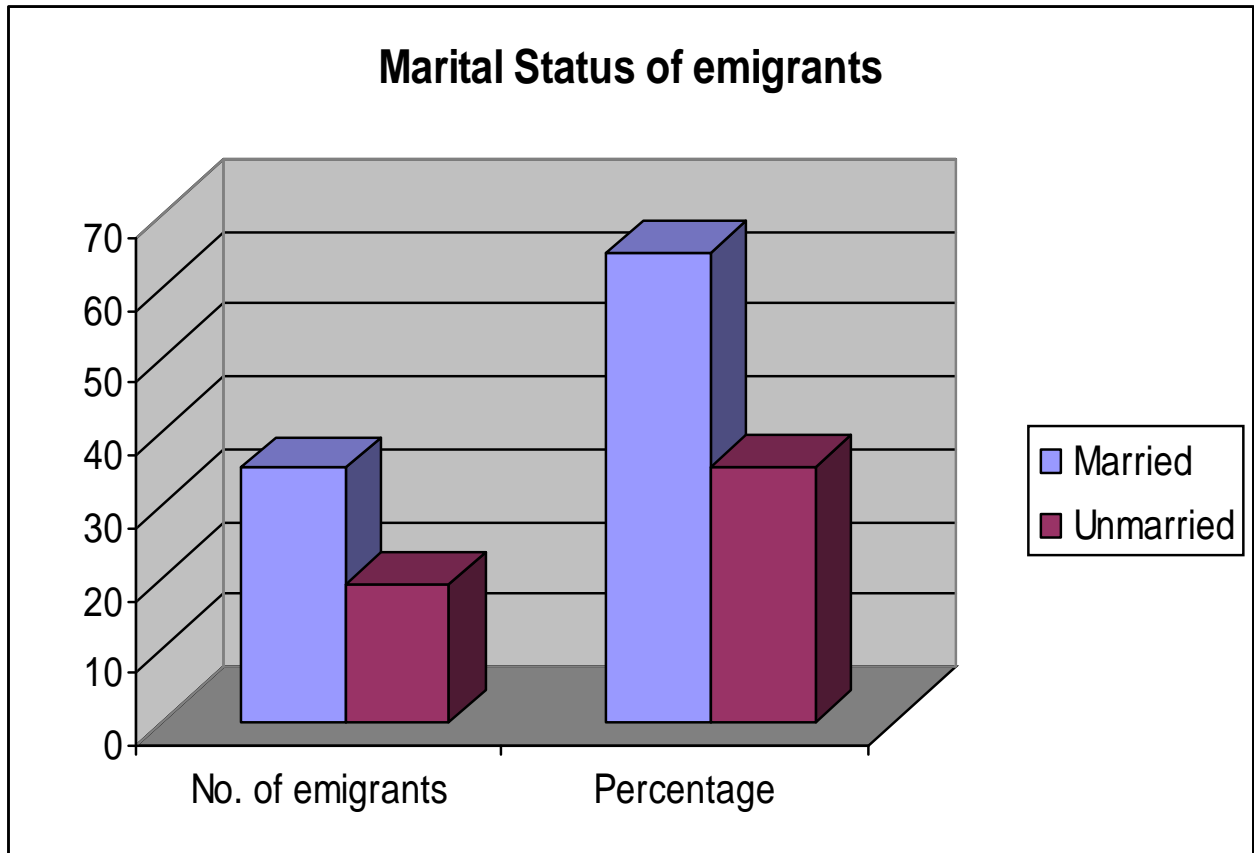
**Source: Field Survey, 2008**

Table 4.3 shows that only 2 percent illiterate labor has migrated from the Thulipokhari VDC. Mostly the youths who can not pass the SLC have migrated to the gulf countries. The SLC passed emigrants reported that they went abroad because they could not afford higher education.

#### 4.2.4 Marital Status of Emigrants

Marriage is a universal phenomenon. Marital status of migrant also plays an important role for their stay in abroad for the use of remittance in their place of origin. The marital status of Thulipokhari VDC is shown in figure no 4.1.

**Figure 4.1**



**Source: Field Survey, 2008**

Single and married both emigrants are found. Out of the total emigrants 35.19 percent are single. And the majority of the emigrants are married. This group bears 64.81 percent of the total population.

#### 4.2.5 Major Occupation of the Emigrants Households

Occupation is one important aspect of migrants. Migration tends to change the economic standard while migrants tend to change their occupation. In our cases all sampled households have their major occupation as agriculture or farming. But it

is not enough for their livelihood. So people are in search of supplementary occupation and emigrate to the gulf countries and other countries.

**Table 4.4**  
**Major Occupation of the Emigrants Households**

<b>Occupation</b>	<b>No. of Households</b>	<b>Percentage</b>	<b>Average monthly income</b>
<b>Agriculture</b>	<b>32</b>	<b>68.08</b>	<b>1200</b>
<b>Labor</b>	<b>9</b>	<b>19.14</b>	<b>3000</b>
<b>Business</b>	<b>4</b>	<b>8.51</b>	<b>7000</b>
<b>Government job</b>	<b>2</b>	<b>4.25</b>	<b>4500</b>
<b>Total</b>	<b>47</b>	<b>100</b>	<b>3925</b>

**Source:** *Field Survey, 2008*

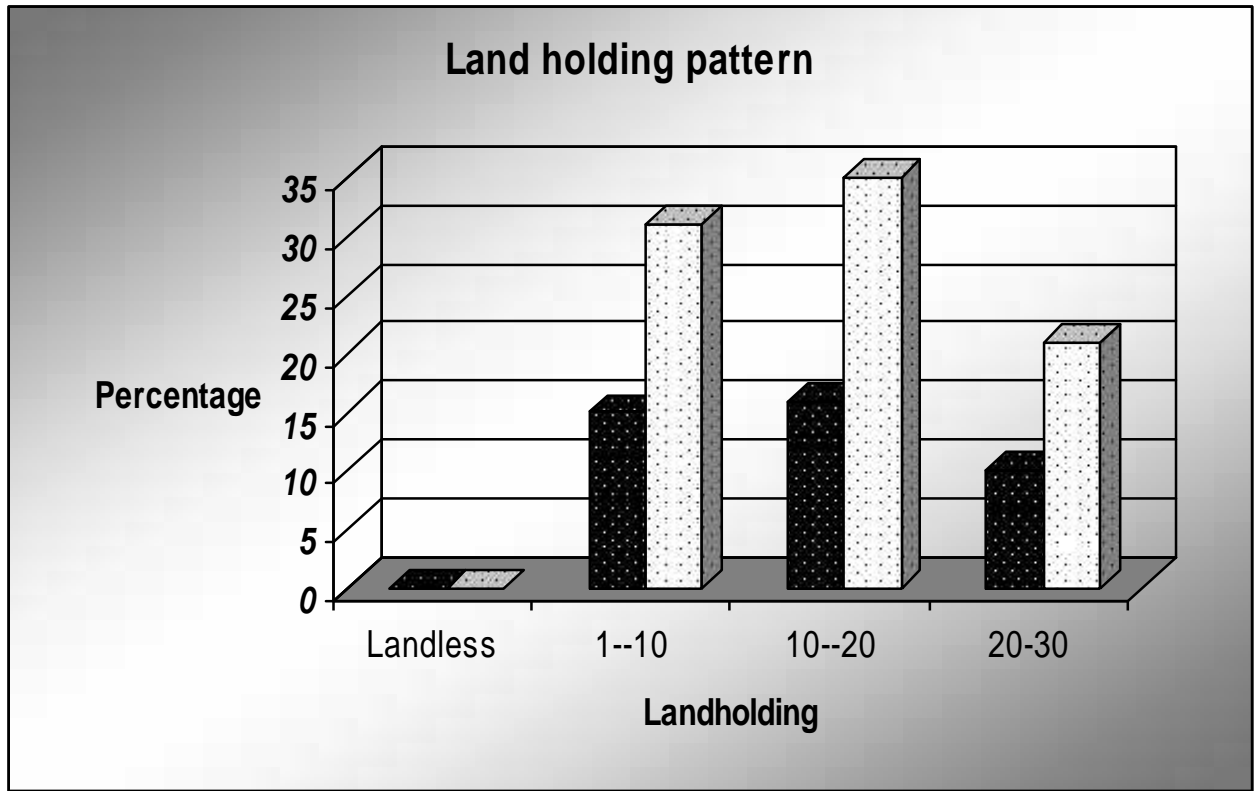
Table 4.4 shows that most of the people before emigration were engaged in agriculture/farming 4.25 percent people were engaged in government services. As asked about the reasons to leave their jobs, they reported that the jobs were nit enough to maintain their family requirements. 8.51 percent people were engaged in the business, but they were not satisfied with the business.

The table shows that the level of monthly income of the people in this VDC is very low. Monthly income from business and (Govt.job) is relatively high then others.

#### **4.2.6 Landholding Pattern of Emigrant Households**

The size of landholding is one of economic characteristics. So, this particular variable has been taken into consideration. The data size of landholding of represents at the study area is presented in Diagram.

**Figure 4.2**



**Source:** *Field Survey, 2008*

Above diagram shows that there is no landless households. About 31percent household have 1-10 ropani land, similarly, about 56 percent household have 10-30 Ropani land. Only 13 percent households have more than 30 Ropani.

#### **4.2.7 Food Availability of Emigrant Households**

Most of the people in the VDC are engaged in agriculture but production is very low because of small landholding size. They always depended on monsoon and on traditional agriculture system that creates food deficiency therefore people compelled to search other sources of income. The figure no.4.3 shows the condition of food availability of emigrant's households.



**Figure: 4.3**



**Source:** *Field Survey, 2008*

In this figure the households are categorized into three classes. It seems that food deficit households are 57.44 percent who can not produce sufficient grains for their family member substance. Food sufficient households are 34.04 percent who have their own grains enough their families for a whole year. And food surplus families are 10.63 percent they are the family who produce enough food for them and sell the remaining food grains.

#### **4.2.8 Indebtedness of Emigrant Households**

Most of the people in the VDC are poor. They are falling behind in cash income generation process, but they have to purchase necessary things from the shops. The villagers who do not have any sources of cash income borrow from rich people. The debt condition of emigration households is shown in table

**Table: 4.5**

**Condition of Indebtedness Emigration Households**

<b>Debt condition</b>	<b>No. of Households</b>	<b>Percentage</b>
<b>In debt</b>	<b>32</b>	<b>68.09</b>
<b>Not in debt</b>	<b>15</b>	<b>31.91</b>
<b>Total</b>	<b>47</b>	<b>100</b>

**Source: *Field Survey, 2008***

Table 4.5 shows that 68.09 percent households are in debt. It was also found that most of the indebted families. They reported are purchasing of food and clothes, and invest in education. In the field survey it was observed that it is very difficult to get cash in the village. So, they have to emigrate to search some cash.

#### **4.3 Causes, Streams and Magnitude of the Gulf Labor Migration**

Causes of emigration are various. Because of social and economic consumption and self motivation and individual decision people migrate abroad for employment temporary or permanently i.e. short or long duration. Moreover from this VDC there has been migrating to gulf country to improve their economic condition since last two decades and many other individual reasons behind emigration. In an underdeveloped country labor migration is not a matter of desire or wish but rather it is a compulsion. Primarily poverty is the main reasons for the Nepali labor migrants. The employment opportunity available in the rural area of Nepal is very few to meet the demand of the increasing population.

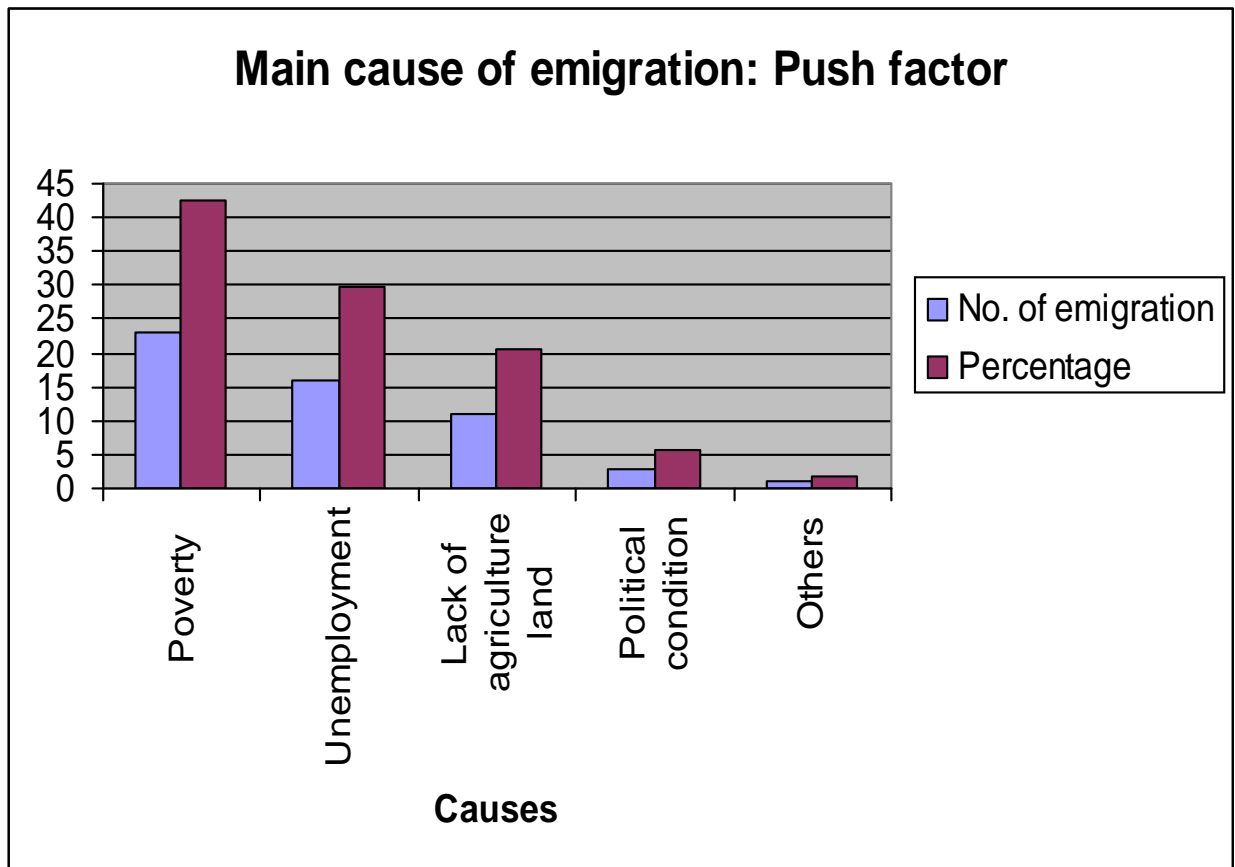
Mainly causes of emigration are categorized into two parts. One factor is associated with origin and another factor is associated with destination

### 4.3.1 Factor Associated with Origin (Push Factor)

With regard to the determinants of labor migration destination has been made between push and pull factors. The push factor refers to poor economic condition and resultant economic misery or lack of opportunities for achievement which push people out of the region in search of livelihood or better opportunities. The push factors are thus, the factors which more or less compel people to leave the place of birth or origin.

According to the information obtain from the field survey caused with push factors are given figure no.4.4.

**Figure: 4.4**



Source: *Field Survey, 2008*

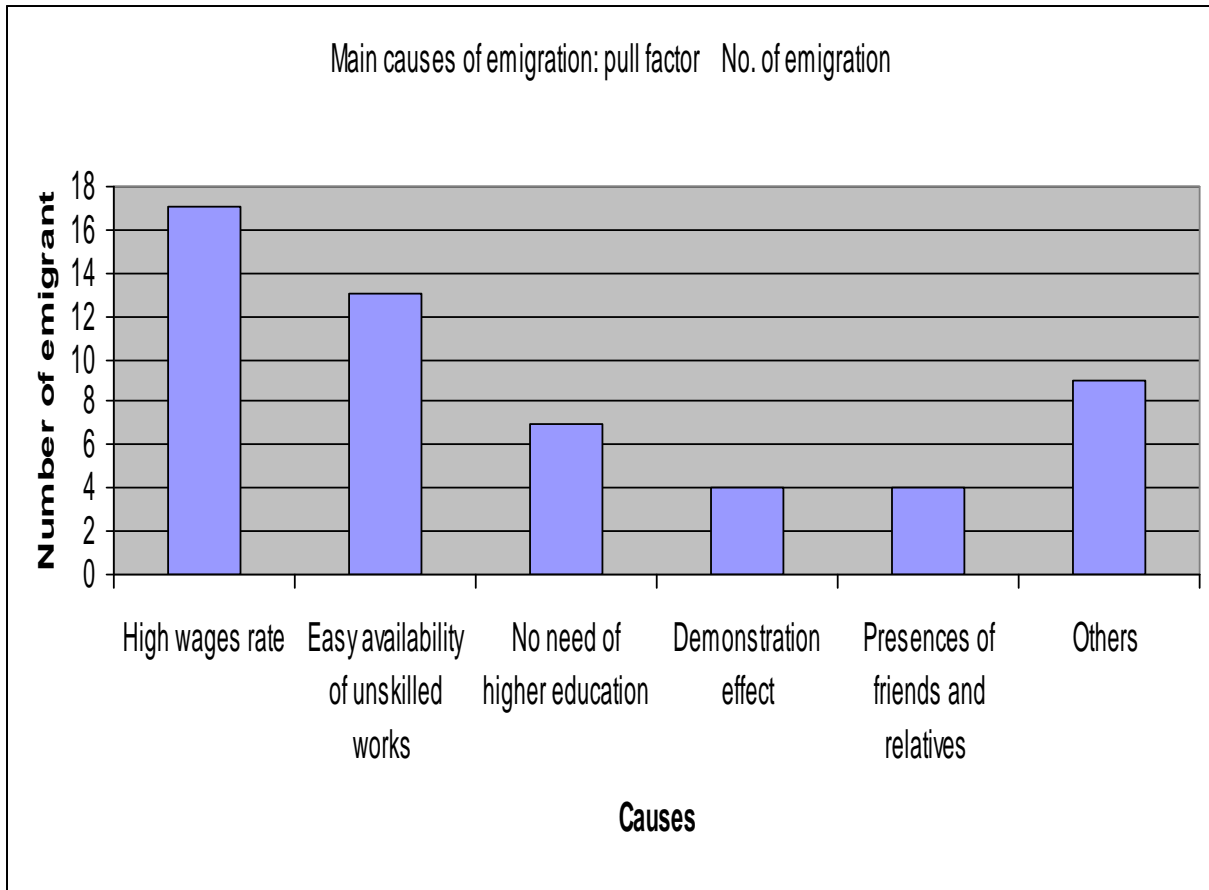
Dominated causes of that are associated with origin for international labor migration is poverty. The national problem is also appeared in this VDC as a vital issue. Poverty was given first priority by 42.59 percent. Unemployment is the second causes as 29.62 percent captured. Some opportunities cash forming like vegetable and other are also possible in this VDC but the youths are not interested to work in such forms. The lack of adequate agriculture and owing of the migrant is the third cause of the emigrant. This is 20.39 percent of gulf labor migration of Thulipokhari VDC. It reveals that most of the emigrated household's have not sufficient agriculture land to support their livelihoods.

As a result, the limited agriculture land becomes unsupportive for the dwellers of Thulipokhari VDC and that compelled them to search another option for their survival as foreign employment. It is cause of low Agriculture production and lack of agriculture land that are similar of this study. Currently the country is highly affected by the unrest political condition. This VDC is also not separate to such situation. In this study political problem captures forth position with 5.55 percent. Family pressure, indebt ness, etc. are migration factors associated with origin.

#### **4.3.2 Factors Associated with Destination (Pull Factors)**

Pull factors refer to the factors which encourage migration to an area such as employment opportunities, other economic opportunities etc. opportunities for better employment, high wages rate and amenities of modern attract to migrate in certain area. The figure 4.5 shows the pull factor as causes of the emigration.

**Figure: 4.5**



**Source: *Field Survey, 2008***

Labor migrants see their jobs only as a means to earn money. The local jobs enable them to increase their status and prestige at home when they come back, they will finally be respected. The cause of high wages rate 31.48 percent is highest of all reasons of emigration factors destination.

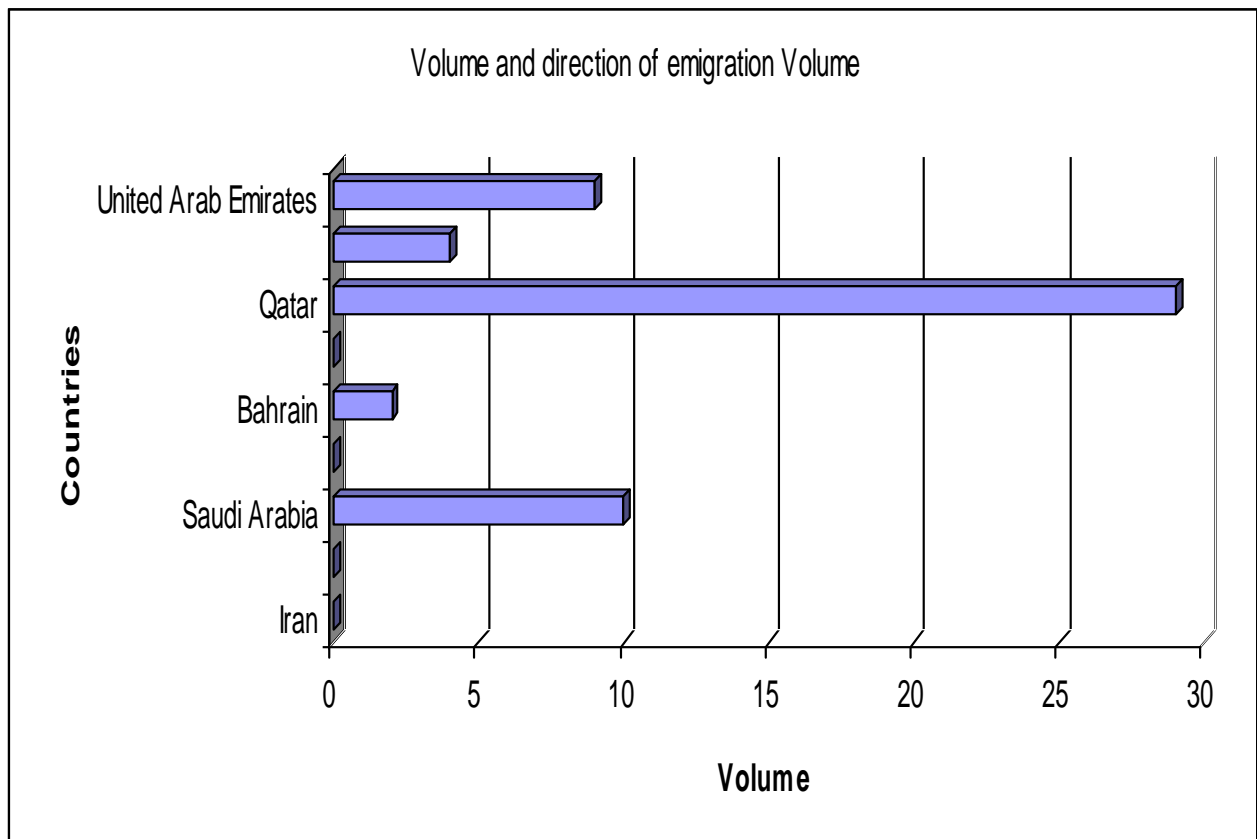
Easy availability unskilled work or access to employment is regulated in a verity of ways. The process of recruitment differs significantly, depending on the form of employment and the region to which migrant workers go. In this study the gulf labor migration of Thulipokhari 24.81 percentage of migrant's effected in this factor.

Most emigrants are unskilled and have low education status. According to this study 12.96 percent emigrants go due to no need of higher education. Recurrent flow of foreign employment in Thulipokhari is towards gulf countries.

### 4.3.3 Volume and Direction of Emigrant

In the past, the main direction of emigration was to India from this VDC. But now days the trends have changed. People have started to move to other foreign countries for jobs. The trend and volume of emigration now a days towards the gulf countries figure 4.6 show the volume and direction of emigrants.

**Figure: 4.6**



**Source: Field Survey, 2007**

Figure 4.6 shows that the largest stream of gulf migration is directed to Qatar capturing 53.70 percent with first position. And Saudi Arabia ranks second

with 18.51 percent the third position is UAE with 16.16 percent and Ejarayal and Bahrain have captured 7.40 and 3.70.

#### **4.3.4 Sources of Managing the Cost for Foreign Employment**

People of this village have to face many difficulties to manage money for foreign employment. As the house holds economy of this village is extremely weak, therefore they have to manage the cost of covering the expenses for foreign employment in following ways.

**Table 4.6**  
**Sources of the Cost for Foreign Employment**

<b>Sources of money</b>	<b>No. of households</b>	<b>Percentage</b>
<b>Self finance</b>	<b>5</b>	<b>10.63</b>
<b>Lone with interest</b>	<b>29</b>	<b>61.70</b>
<b>Loan without interest</b>	<b>6</b>	<b>12.76</b>
<b>Relatives and friends</b>	<b>7</b>	<b>14.89</b>
<b>Total</b>	<b>47</b>	<b>100</b>

**Source: *Field Survey, 2008***

Most of the foreign migrants of the village have gone abroad by taking high interest of loan. In this study 61.70 percent migrant took loan with high interest rate for foreign employment. Respectively other person relatives and friends go to second position with 14.89. Loan with out interest and self finance are 12.76 and 10.63 percent.

### 4.3.5 Duration stay Abroad of Emigration

According to field survey duration of stay are not similar. It is shown in Table No.4.7

**Table 4.7**  
**Duration stay abroad of emigration**

<b>Duration</b>	<b>Emigrant</b>	<b>Percentage</b>
<b>Less than 1 year</b>	<b>5</b>	<b>9.25</b>
<b>1-2 years</b>	<b>7</b>	<b>12.96</b>
<b>2-3 years</b>	<b>27</b>	<b>50</b>
<b>More than 3 years</b>	<b>15</b>	<b>27.77</b>
<b>Total</b>	<b>54</b>	<b>100</b>

**Source: Field Survey, 2008**

According to Table No.4.7 the duration of residence is the highest percent 50 captured by 2-3 years duration and followed by more than 3 years with 27.77 percent of the total. Only 12.96 percent emigrants stay 1-2 percent and almost less 9.25 percent stay abroad less the 1 year. Which gives an example staying short time duration in abroad.

A migrant return back after five months in Qatar. Causes of his return back is reflected in his own word “I have done very difficult work. I have worked in house building up to seven to eleven stairs of house. If I fell down?” so he returns home by some months after.

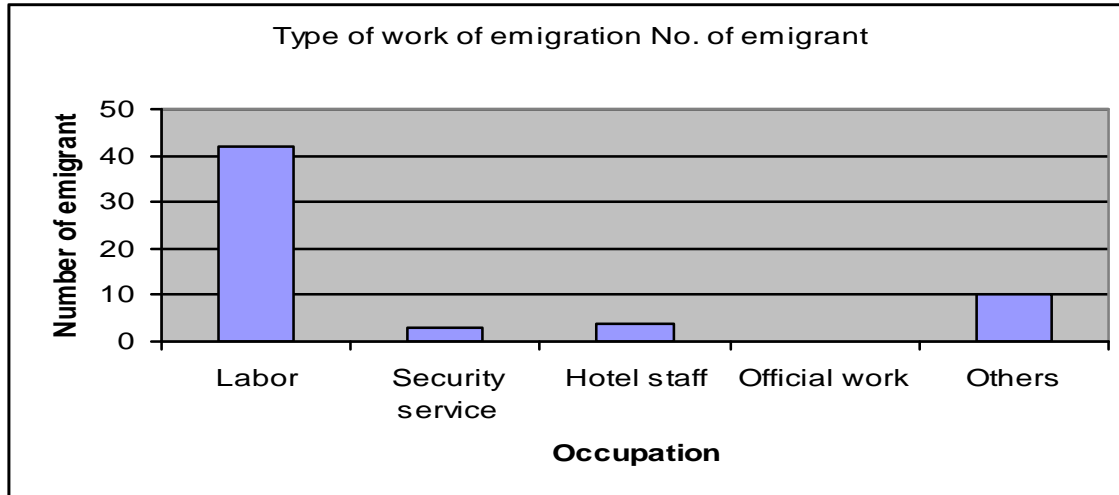
### 4.3.6 Type of work of Emigrants

In the field survey all the sampled house holds were further asked about the nature of their work. During their stay the emigrants might be have involved in more than one occupation. But this study has considered the usual work to classify the emigrants based on their usual occupation. It should be noted that information



was gathered on some details. Figure 4.8 shows the distribution of occupation of emigrants.

**Figure: 4.7**



**Source: Field Survey, 2008**

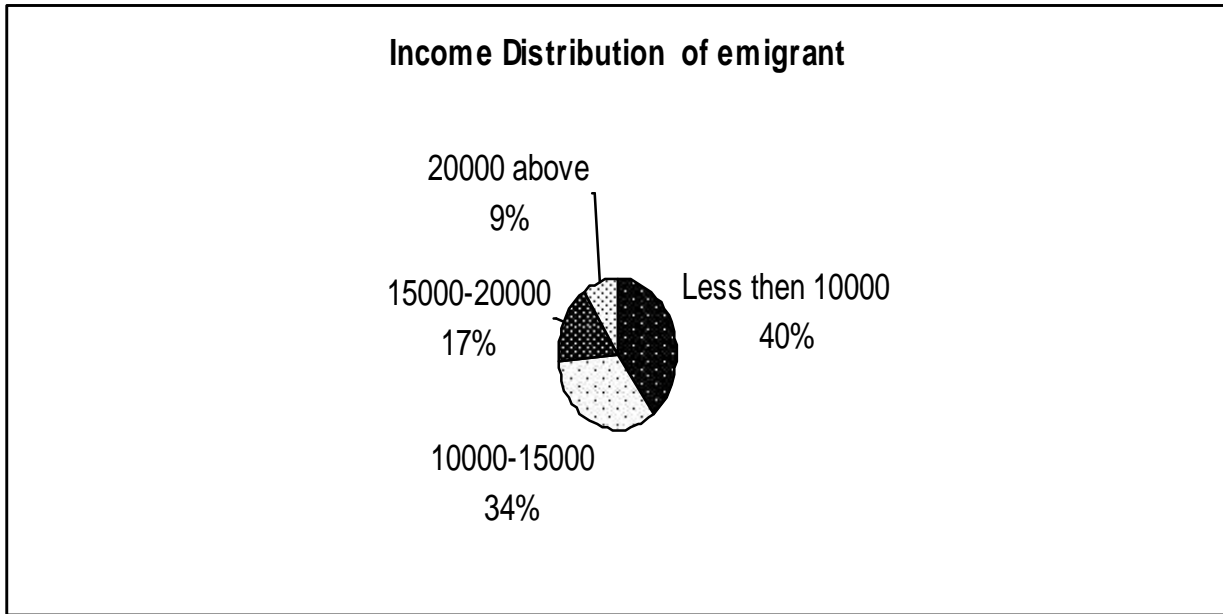
According to the figure no.4.7 most of the emigrants have gone for labor class work as it captures 78.58 percent. In security service 5.55 percent emigrants were engaged. Similarly 7.40 percent were in hotel staff and 18.51 in others sector (driving, plumbing, electricity etc.) The table also shows that official work is 0 percent.

From this data, it is cleared that most of the emigrants are not skilled for their respective work. Most of the emigrants are working in the risk and hard working like in construction at low salary.

#### **4.3.7 Average Income of the Migrant Workers**

The main objective of the emigrants is to acquire, income the most important factor of livelihood in this VDC many people have not succeed not collect enough money from their available sources. Easy income sources are not available in Nepal, so people move to foreign country for work in search better income sources. Figure 4.8 shows the income distribution of the emigrant.

**Figure: 4.8**



**Source:** *Field Survey, 2008*

Figure 4.8 shows the monthly income of emigrants. From this figure 38.88 emigrants earned less than 10000 Rs. per month. 33.33 percent have Rs. 10-15 thousand per month. Similarly 16.66percent of emigrants have Rs. 15-20 thousand and 9.25 percent of migration earned more than 20 thousand per month.

#### **4.3.8 Area of Utilization of Remittance**

Area of utilization depends on the amount of remittance. Some household's have more than one member abroad and have gained higher amount of investment. The area of utilization of remittance is shown in table 4.8.

**Table 4.8**  
**Remittance Utilization Area**

<b>Area</b>	<b>No. of households</b>	<b>percentage</b>
<b>Clearing debt</b>	<b>19</b>	<b>40.42</b>
<b>Purchasing land</b>	<b>5</b>	<b>10.63</b>
<b>Construction new house</b>	<b>3</b>	<b>6.38</b>
<b>Loan investment</b>	<b>6</b>	<b>12.76</b>
<b>Education for children</b>	<b>4</b>	<b>8.51</b>
<b>Purchasing of goods</b>	<b>4</b>	<b>8.51</b>
<b>Others</b>	<b>6</b>	<b>12.76</b>
<b>Total</b>	<b>47</b>	<b>100</b>

**Source:** *Field Survey, 2008*

Majority of the emigrant households utilize their remittance for paying debt, due to the high rate of interest like doubling system 40.42 percent of households have given to top priority to pay the debt. This ranked in the highest position. Loan investment is in second position with 12.76 percent. Similarly, 8.5 percent households invest their remittance for purchasing of goods and education for children. And 12.76 percent households spend in other areas like daily expenses of house, mediation and different types of works.

#### **4. 4 Impact of Emigration**

The emigration influences equally both sides of migrant that is in the place or origin and destination. Influenced may be positive or negative. Migration also influences directly and indirectly on the living standard, custom and society and culture of the human beings and these aspects have been examined in the present research study.

In this chapter concentration will be on certain variables which are changed after emigration. There has been some limitation on the analysis because of lack of true information caused by emigration on the basis of personal observation, experiences through group discussion and opinions expressed by local leaders and teachers.

#### **4.4.1 Positive Impact of Origin**

##### **(a) Income Increase**

According to this study migrants income has been increased in comparison with past income. In general emigrant has earned more than the amount they had earned at origin. They have maintained their family needs and really improved their standard of living. The table 4.9 shows the distribution of income before and after emigration households.

**Table 4.9**

**Distribution of Income Before and After Emigration Households**

<b>Before emigration</b>			<b>After emigration</b>		
<b>Volume of monthly income</b>	<b>households</b>	<b>percent</b>	<b>Volume of monthly income</b>	<b>households</b>	<b>Percent</b>
<b>Less than 1500</b>	<b>7</b>	<b>14.89</b>	<b>Less than 8000</b>	<b>17</b>	<b>36.17</b>
<b>1500-3500</b>	<b>27</b>	<b>57.44</b>	<b>8000-12000</b>	<b>15</b>	<b>31.91</b>
<b>3500-5500</b>	<b>8</b>	<b>17.02</b>	<b>12000-15000</b>	<b>9</b>	<b>19.14</b>
<b>5500 and above</b>	<b>5</b>	<b>10.63</b>	<b>15000 and above</b>	<b>6</b>	<b>12.76</b>
<b>Total</b>	<b>47</b>	<b>100</b>		<b>47</b>	<b>100</b>

Source: *Field Survey, 2008*

The table 4.9 shows that heavy different in income before and after emigration. After emigration most of the household's monthly income is increase. From field survey it is found that the remit money helps to increase the land ownership, bank balance and decrease the loan burden of the emigrant households

**(b) Improve Living Standard**

Most of the family has given priority to build house. It reveals that, definitely foreign employment has raised their standard of living. Quality of foods and clothes as well as other amenities such as cassette, camera, radio, furniture, and kitchen items etc. the responded told that the expenditure on health and education.

**(c) Respect of Work**

Most of the returned migrants have reported that they have got an opportunity to know the real value and importance of hard labor. Their attitude has changed regarding the hard labor and now they are ready for any types of work.

**(d) Opportunities to Develop Skill**

Though the Nepalese are unskilled and poorly educated, they also got the opportunities is acquire new sill where working in the destination countries.

**(e) Economic Support for Nation**

Economic sector of the country is badly affected by the political instability, social insecurity and uncertainty. The emigrants have heavy amount of remittance sent. So they can contribute to develop the national economic. Likewise purchasing power of the people has raised and economic activity of the nation has increased as well.

#### **4.4.2 Negative Impact of Emigration in Origin**

##### **(a) Lack of Labor Force**

The trend and volume seems vertical in labor migration. As a result agriculture production and other labor force has been reduced in Thulipokhari VDC. Participation of youth has been relatively difficult on achieve development construction and innovative work, even cultural and social ritual and several other communal activities it has been very difficult to have present of youth.

##### **(b) School Drop Out**

Successful migrants provide every thing for their children such as pocket money. They tend to care providing children everything and afford what they want. As a result their devotion to education reduces some children of emigration households have not paid alternation to have education and dropped out of school.

##### **(c) Demonstration Effect**

There has been other dominant negative effect of foreign employment in Thulipokhari VDC. Youngsters of non migrant families have adopted the prodigal and wistful behavior. Their parents have limited source of income, therefore, they are unable to fulfill the demand of their sons and daughters that brings the dispute between parents

##### **(d) Changing Social Role**

Foreign employment has brought several changes inside or outside some regarding to the role of woman. They have to play the role of the household head during the absence of their husband. The situation is creating to some extent in a single family. All the responsibility goes to the women sometime emigrants brings some family problem and anxiety when the head of the family does not return home for relatively long time. The absence of emigrants for a long time creates social problems and sometimes also physiological anxiety to women at home. Some women are even reported that they have got several opportunities to go to

outside from home as a head of household. The opportunities have made them quite open, dynamic and bold. They are aware with the society behind the home.

#### **4.5 Attitude towards Labor Migration on the View of the People**

This topic discuss about the attitude of the people to the labor migration. It is necessary to understand the view of the people, therefore here have analyzed the attitude in two levels: first in household level and second in individual level. And it is analyzed to both positive and negative aspect.

##### **4.5.1 Household Attitude of Emigrants**

In this study, people of this VDC express the diverse view toward foreign Labor migration whether the foreign employment is good or not. This is show table 4.10.

**Table 4.10**  
**Attitude of Household in Labor Migration**

<b>Attitude</b>	<b>No. of household</b>	<b>Percent</b>
<b>Positive</b>	<b>32</b>	<b>69</b>
<b>Neutral</b>	<b>11</b>	<b>23</b>
<b>Negative</b>	<b>4</b>	<b>8</b>
<b>Total</b>	<b>47</b>	<b>100</b>

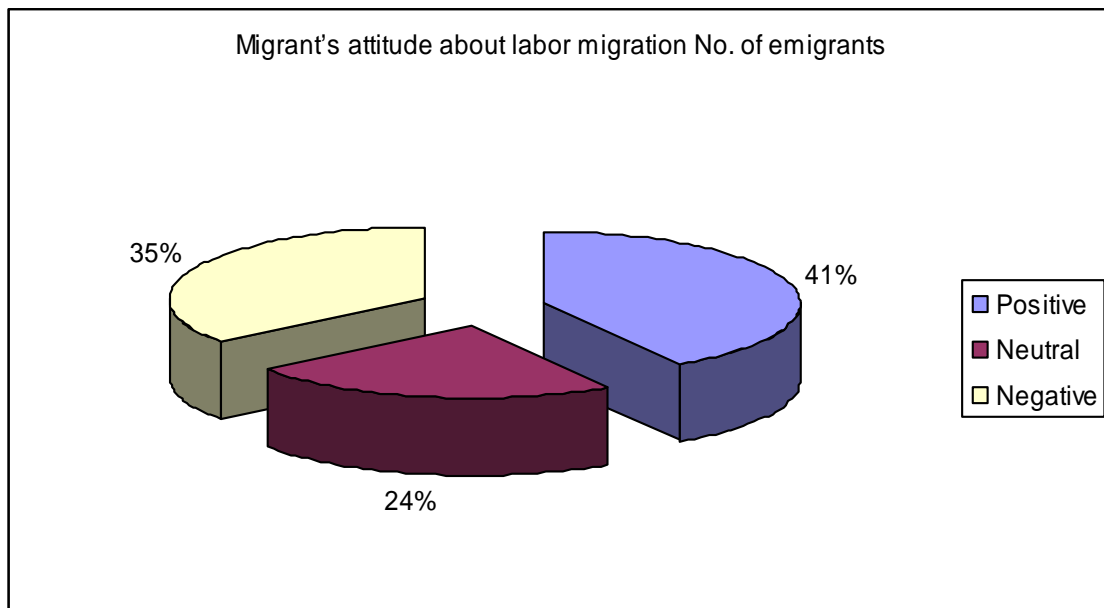
**Source: *Field Survey, 2008***

Out of 47 household have found positive attitude having 69 percent household, 8 percent households have negative view and 23percent household have neutral attitude. For example, present the view of the household: An old woman of 65 has given information with researcher “A day is very better when he (her son) sends money (but not other day).

### 4.5.2 Emigrant's Attitude

People who have positive thinking towards labor migration express that due to the scarcity of employment and weak economic condition; people have been compelled to go abroad for the employment. Therefore labor migration is considered as only right solution of these problems. People expressing negative attitude towards foreign employment they said that the main negative impact is to miss their family for a long period. Likewise hard work, low salary, etc. are considered as the negative impact of foreign employment. They are also having hard and risky work like eleven stairs up and down and having very dangerous of life. The agent also cheats for money and work. The attitude of migrant is shown figure 4.9.

**Figure: 4.9**



**Source: Field Survey, 2008**

According to figure 4.9, 40 percent migrants have a positive attitude and 36.67 percent have a negative attitude, whereas 2 percent of migrants have a neutral view.



to the foreign migration. People, whose attitude is neither positive nor negative, are categorized in to neutral. But the neutral could not stay in middle point mainly their inclination is fairly in positive aspect, because of the improvement of facilities on foreign employment they are agreed to positive aspect. For example it represents the positive view of a migrant.

A migrant returned back from Qatar after 3 years living. His won words “I am very happy for foreign work. In this way visiting of other country’s like Chinese Cambodian, Indonesian etc.

## CHAPTER V

### SUMMARY, CONCLUSION AND RECOMMENDATION

#### 5.1 Summary of Major findings

The movement of people from one place to another is increasing nowadays because of the exception of higher living standard or higher socio-economic status and fulfillment of other social or economic desires.

In the past, Nepal had been a country of destination from both north and south. By the time emigration from Nepal was not known.

- ) After Sugauli treaty Nepalese started to emigrate which is still continuing and increasing. People are known moving from different part of Nepal to foreign land.
- ) The micro level study on emigration is confined to Thulipokhati VDC in Parbat District located in Western region of Nepal.
- ) The study is based on both primary and secondary data are obtain by field survey and secondary data from the VDC office other sources.
- ) This VDC consist of various ethnic groups Brahmin/chhtri are found more migratory than other.
- ) The majority of people derive their liver hood from agriculture. Remittance is main income source of village economy.
- ) It is estimated that 108 people have migrated to Gulf country. All the Gulf migrates are young males who are literate.
- ) Most of emigrates are from food deficit and indebtedness families.
- ) The causes of emigration to the gulf country are the pull factors; unemployment, food deficit, increase expenditure, lack of securities, lack of agriculture land and other family problem.

- ) Some family causes are the pull factors of emigration. The solutions to this 36problem are expected to be found in Gulf countries. Availability of work, presence of friends and relatives, higher rate of salary and bright light are the pull factor of emigration.
- ) The jobs picked by these people are building construction, mechanical, Agriculture/farming, Industrial work and hotel/catering. However salaries received by them for these jobs are higher than in Nepal.
- ) They save their earnings and send/bring back to village. The impacts of emigration fall upon economic, social and demographic dimension. Impacts are positive as well as negative.
- ) The positive impacts are income increasing, improve in standard of living improve in standard of living, respect of work, and opportunities to develop skill. The people tend to be more conscious. They tend to give more attention to education and sanitation.
- ) The negative impacts are lack of labor force, school dropout, and change in social role and demonstration effect and, negligence of agriculture and mobility to urban areas. The domination of children and elder population, low development activities and family problems are other negative impacts of emigration in the study area.

## **5.2 Conclusion**

- ) This is a study of the situation of VDC of Thuliokhari labor migration in Gulf countries. The Thulipokhari VDC has 644 households. The numbers of Gulf emigrant's households are 47 were sampled to collection information.
- ) The ethnic composition of sampled households had the following break down. The Brahimin, chhetries constituted 89.36 percent, Kami 8.51, Damai 2.13 and Sarki are 0 percent.

- ) All emigrates are found literate as well as educated. The highest flow of emigration is from SLC passed youth and highest number of emigrant is from the age group of 25-29 (38.30 %).
- ) Before emigration 32 of the sampled emigrants were working in their farms. The average monthly income had Rs.1200.
- ) Agriculture production of sampled households is very low. 57.44 percent of the sampled households are facing food deficiency. However, people with food sufficiency and food surplus have also emigrated.
- ) Marital status of people has also affected the emigration phenomena. 64.81 percent of the sampled emigrants are found married.
- ) Most of the emigrant's show that they were from indebted and food deficit household. But debtless and food sufficient household also are not the exception to migration.
- ) Emigrants have chosen mainly Qatar, Saudi Arabia, and UAE. Main reason of emigration is poverty with 42.59 percent.
- ) The impacts of emigration in the village were substantial. There was shortage of labor force, family problem and local mobility. There seemed to be stagnation in developmental activities. However, knowledge of emigrants seems to have increased. 41 percent household's attitude have been positive.

### **5.3 Recommendation**

Section 8 of foreign employment Act has mentioned that No Gender Discrimination while sending worker for foreign Employment, the worker shall not be discriminated on the basis of gender. Similarly Section 9 of above mentioned Act has mentioned that the Government of Nepal may provide special privileges for women, underprivileged person, Indigenous Ethnic Groups, suppressed Groups Natural Disaster victims, and the people from remote areas, going for foreign

employment it has further mentioned that while sending workers for foreign employment, the organizations shall send women, underprivileged, Indigenous Ethnic Groups, suppressed Groups, the people from remote and backward regions as per the number fixed by the Government of Nepal i.e. 10 %

Despite this provision woman worker has not been able to go to foreign employment my study shows that there is no woman worker out of 96 foreign employment worker. It is very poor condition of woman worker for foreign employment. The Government Policy has not been working here. Government should not remain only on policy making and policy does not work itself. My suggest as per my study are:

(a) Government should make a security atmosphere for the foreign employment woman worker through its Labor attaché or it's Diplomatic Mission.

b) Government should lunch public program to give information about foreign employment job especially for woman by mentioning benefit, risk and process.

(c) Government should collect data of woman worker and make necessary arrangement for regular supervision through its Diplomatic Mission. If there is any problem Government should take measures to ensure assessment of any workplace risks related to the safety and health of the woman. The results of the assessment should be made available to the public and concern parties.

I found during my study that a person who passed Diploma Level from Nepal has been in foreign employment as a Labor. The Government of Nepal presents its annual report only on the basis of number of labor in each country. Government does not make a study a graduate who went to foreign employment what he is doing? Is he getting job other than labor? Why he is not getting job of supervisor or as per his qualification? As per my study I suggest to the government of Nepal:

(a) Government should make detail feasibility study about the country and their type of labor demand before giving permission.

(b) Government should issued directives to those who operating Foreign Employment Enterprise to make the worker capable by giving them training in order to make them skill full.

(c) According to Foreign Employment Act 2007 Department has overall right about foreign employment labor should supervise selection process and to be find out that whether it is right man for the right place and post. If it is not, department advise them through Labor-Desk to wait for some time and take a necessary training there is a prospect of getting better job.

(d) Government should give priority to supply qualitative man power.

(e) Government must be treating to Foreign Employment Business as an Industry and should show industrial Culture to them.

Foreign Employment Labor are facing financial problem, they does not go to bank for loan so they must manage the required loan within their family circle. It is become impossible to get loan from their family each and every demand sometime if they get they must pay highest rate of interest. I suggest that.

(a) The Government of Nepal should managed the Loan for the them from financial institution on it's Guarantee and take money from his employer as a installment of Principle and Interest during his visa period.

(b) Necessary arrangement should be made on the behalf of Government to simplify the loan process in order to reduce the pressure on personal loan.

(c) Due to lack of skill full training, strong supervision on selection process, financial transparency etc Foreign Employment Labor are getting minimum salary, from their earning has finished to the loan and interest and there is not remarkable saving. By thinking above fact it will be better that Government should

industrialize the agriculture and engage them as agriculture labor in their own country.

Migrant's earning should be mobilized purposes. Their remittances should be used in the field of agriculture, agro based industries and cottage industries. It will ensure not only profitable income from the investment, employment in large section of population can be provided.

For a rural economy 2.2 percent population growth per annum is a challenging issue because resources are scare. Therefore, attention should be given in controlling population.

The VDC is very far behind in infrastructure development. It lacks motor able roads, hydroelectricity and many other prerequisite of development. So, attention has paid to infrastructure development activities that create employment opportunities to the village people that can help to restrict the flow of migration.

**(Appendix-1)**

**Questionnaire for survey**

Socio-economic Impact of Labour Migration in Thulipokhari VDC of Parbat District

Name of respondent .....

Ward no ... ..

Caste/ethnic .....

Village .....

Religion .....

Relationship with migrant .....

**1. Social status of respondent households**

Name	sex		Age	Marital status		Education	Occupation
	Male	Female		Single	Married		

**2. Individual background of migrant's**

Name	Destination	Age	Sex		Marital		Duration	
			Male	Female	Single	Married	Year	Months

**3. Landholding pattern before and after the migration**

Land in Ropani	Before	After

**4. Food sufficiency condition by means of agriculture production?**

a. Deficit                      b. sufficient

c. surplus



5. Do you have loan?

- a. Yes                      b. No

6. What were the causes go to foreign employment?

Push factors	Pull factors
Lack of agriculture land	Employment
Unemployment	High wages rate
Conflict	Presences of friends and relative
Family loan burden	No need higher education

7. How did pay to go for foreign employment?

- a. loan                      b. Saving                      c. Helps of relative and friends

8. How did go through?

- a. By MPA              b. by Own effort              c. With friends and relative  
d. Others

9. What did do abroad?

- a. labor              b. security guard              c. Officials  
d .Hotel staff              e. Others

10. How much did earn?

Daily Rs.	Weekly Rs.	Monthly Rs.	Yearly Rs.

11. How many members in foreign employment? .....

12. How did you spend remittance income?

- a. Loan replacement
- b. Housing
- c saving
- d. Land purchasing
- e. Education for children
- e. Investment
- f. socials rituals
- g. Others

13. Do you feel that your expenditure capacity increased?

- a. yes
- b. No

14. Have your expenditure on nutrients increased?

- a. Yes
- b. No

15 What is your opinion on emigration?

- a. Not satisfactory
- b. Neutral
- c .Positive

16. What is your suggestion to make foreign employment well?

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17. Some economic indicators?

Indicators	Before	After
Land ownership		
Loan burden		
Bank Balance		
Occupation of the family		
Housing quality		
Expenditure on education		
Food sufficiency		
Television		
Tape recorder		
Other goods		

**(Appendix- 2)**

**Interview checklist and Questionnaire for focus group discussion**

When do they go?

Where do they go?

What type of people use to go?

What type of people stay at home?

What do the emigrant thing?

How do they spend them money?

What is their habitual change?

What are the change in clothing and feeding?

What is the direct benefit to the village?

What is the direct benefit to nation?

What type of people stay at home?

What is positive and negative effect?

Are worker available here?

What is the change in social role?

What is the effect of demonstration in the society?

## **(Appendix-3)**

### **Labor Related Provisions in Foreign Employment Act 2064 (2007)**

Date of Certification 2064/5/19 (5<sup>th</sup> Sept 2007)

An Act made to amend and consolidate laws relating foreign employment:

Preamble:

Whereas it has order necessary to amend and consolidate law relating to foreign employment in order to promote and make such profession secured, organized and respectful as well as to protect the right and interest of employee going for foreign employment and foreign employment entrepreneur.

#### **Chapter: 1**

#### **Preliminary**

##### **1. Short Title and Commencement:**

1. This Act may be call the “Foreign Employment Act, 2064 (2007)”.

2. This Act shall come into force within the country and shall also be applicable to that person who violates the provision of this Action residing outside the territory of the Nepal.

3. It shall come into force once.

##### **2. Definition.**

(a) “Foreign Employment” means the employment to be by worker abroad.

(b) “Worker” means a Nepali citizen who has obtained employment.

(c)“Foreign Employment Enterprises” means the business activity providing employment to Nepali citizens in foreign country.

(d) “Department” means the department of Foreign Employment.

(e) “Entity” means the entity established under the prevailing company law with objective of operating foreign employment enterprise.

(f) “License” means a license granted pursuant to Section 11 for operating foreign employment business.

(g) “License-holder” means the entity obtaining the license pursuant to section 11.

(h) “Service Charge” means money received by foreign employment entrepreneur from worker for sending them abroad for employment.

(i) “Labour Attaché” means executive Director appointed under Section 41.

(J) “Employment Providing Entity” means the foreign country based entity providing foreign employment to workers.

(l) “Labour Attaché” means Labor Attaché appointed under section 68 and the word also includes an officer, deputed in foreign Diplomatic Mission, assigned with the responsibility of promoting the welfare of Nepali workers.

(m) “Prescribed” or “As prescribed” means prescribed as prescribed in Regulation framed under this Act.

## **Chapter 2**

### **Provision Relating to Foreign Employment**

3. To specify the Countries for operating Foreign employment business:

(1) Government of Nepal shall, by publishing a notification in the Nepal Gazette specify name the countries permitted to operate the foreign employment business.

(2) Among the country as specified in Subsection (1) government may, in some of these countries, withheld, for some specify period, right to operate foreign Employment business.

4. Conclude Bilateral Agreement: The Government of Nepal may conclude bilateral labor agreement with country where Nepali worker has already gone for employment or has a prospect of going there for employment.

5. Selection of Intuition:

(1) If government of Nepal is request to select and send worker for foreign Employment by the foreign country or employment through license holding institution selected on the basis of free competition.

(2) The Department may demand additional cash deposit or bank guaranty from the intuition selected pursuant to sub section (1).

(3) The basis and procedure for selecting intuition Sub-section (1) shall be as prescribed.

6 To send worker by entering into treaty or agreement:

(1) Notwithstanding anything mentioned in this Act, Government of Nepal may, by signing an agreement or treaty with the country that has diplomatic relation, send worker thorough any government office, government body or an institution fully owned by Nepal Government to such country.

(2) Pursuant to Sub-Section (1), in order to make the process of selecting worker for foreign employment by Government of Nepal more organized, competitive members which shell fram policy and provide other necessary guidelines.

(a) Labour and transportation management  
Minister or State Ministry Chairman.

(b) Secretary, Ministry of Labour and Transportation.  
Management Member

(c) Representative of It secretary level from  
Ministry of Finance Member.

(d) Representative of (It secretary level) from

Ministry of Industry Member.

(e) Representative of (It secretary level) from  
Ministry of Home Member.

(f) Representative of (It secretary level) from  
Ministry of foreign Affairs Member

(g) Executive director  
Member

(h) Women Representative from National  
Women Commission Member

(i) One Representative from each registered  
Trade Union Federation Member

(j) One representative from Foreign  
Employment Entrepreneur Association Member

(k) Director General, Department member

(3) The Directive Committee as constituted pursuant to Sub (2) may as per requirement, invite national or foreign expert on foreign employment as observer on its meeting.

(4) The Directive Committee pursuant to Sub Section (2) shall frame its own working procedure.

(5) While selecting worker for foreign employment under this Section, it shall be done on impartial and transparent manner from among people meeting criteria as prescribed.

(6) It shall be responsibility of government of Nepal to resolve any problem being faced by worker who is on the process of going for foreign employment under this Section.

7. Minor not be sent for foreign employment: Children not attending the age of 18 shall not be send for foreign employment.



8. No Gender discrimination: While sending worker for foreign Employment, the worker shall not be discriminated on the basis of gender. Provided that if the employment providing institution calls for only one gender either males or females, then it shall not be a hindrance for sending such gender for foreign employment.

9) Special privileges and Reservation may be provided:

(1)The Government of Nepal may provide special privileges for women underprivileged person, Indigenous Ethnic Groups suppressed Groups, natural Disaster victims and the people from remote areas, going for foreign employment

(2) While sending workers for foreign employment, the organizations shall send worm, underprivileged, indigenous Ethnic Groups suppressed Groups, the people from remote and backward regions as per the number fixed by the government of Nepal.

### **Chapter 3**

#### **Provision regarding the License**

(10) Restriction to operate Foreign Employment Enterprise without Licenses:

No one shall be entitled to operate Foreign Employment Enterprise without obtaining lenience under this Act.

(11) Provision regarding the Licenses:

(1) Institution intending to submit an application with prescribed particulars to Department.

(2) After reviewing the application submitted under subsection (1), if the department considers it to be give lenience to institution to operate foreign employment enterprise, the department shall issue such license upon receiving the prescribed license fee and a security deposit of three million Nepalese Rupees in cash or Seven Hundred Thousand Nepalese Rupees cash and the remaining Two Million and three Hundred Thousand Nepalese Rupees as a Bank Guarantee.

Explanation: For the provision of This Act, The term 'Bank Guarantee' shall mean any Bank Guarantee payable in cash at demand and issued by the Bank as prescribed by the Department.

(3) An Institution holding License prior to the commencement of this Act shall deposit the security deposit pursuant to subsection (2) within one year from the commencement of this Act.

(4) Upon issuance of license after depositing security amount pursuant to Sub Section (2), if the Department sees the security amount to be insufficient in ratio to the business transaction of the license holder than the Department may order for additional security deposit.

(5) The Department may accept a Bank Guarantee for the additional Security to be deposited pursuant to Sub Section (4).

(6) Upon reviewing application submitted pursuant to sub section (2), if the Department decides not to issue the license to applicant, it shall give a notice of denial along with the reasons there of within seven days of such decision.

(7) If the Applicant is not satisfied with the decision sub section (6) he/she may file an appeal to the Government of Nepal within thirty five days from receiving such apple shall be final.

(12) License Period and renewal:

(1) The license, unless it is cancelled pursuant to Section 13, shall be valid for a period of one Fiscal year. The term of license shall expire at the end of such Fiscal year notwithstanding on which date it was issued.

(2) A license holder who wish to renew it license shall have to renew the license within prescribed time in each financial year by paying renewal fee providing detail as prescribed.

(3) Notwithstanding anything mentioned in subsection (1) and (2), any license holder may pay three year's renewal fees at once and renewal of license for three years.

(13) Cancellation of license

(1) If a license holder fails to renew the license within the period as prescribed in Section (12) such license to be cancelled.

(2) If the license holder does any of the following, Department may cancel the license:

(a) If the license is acquire by submitting false or details;

(b) If false to deposit the Security Deposit within the time prescribed under Subsection (3) of Section (11).

© If fails to deposit the additional security deposit as per the order issued pursuant to Subsection (4) of Section (11).

(d) If fails to reimburse the deposit amount pursuant to Subsection (3) of section (35).

(e) If commit any act which against the provision of this Act or the Regulations made there under.

(3) Before canceling the license pursuant to Subsection (2) , the Department shall provide reasonable opportunity to be hared.

(4) If the license holder is not satisfied with the decision made by Department to cancel the License pursuant to this Section, the license holder may file an appeal to the Government of Nepal on such notice; and the decision made by the Government of Nepal on such Appeal shall be final.

(14) Ownership and Liability shall not Transfer or Changed:

Notwithstanding anything contained in the prevailing laws, a license-holder cannot transfer or alter its ownership or liability over the institution without obtaining approval from the Department.

## Chapter-4

### Prior Approval and Selection of Employees

(15) Prior Permission shall be obtained ;

(1) In order to selected workers for foreign employment pursuant to agreement and understanding made with Employment Providing Institution, the license holder shall have to obtain prior permission from department and for such permission; an application with the following particulars shall have to be submitted:

(a) Name and address of the employment providing institution.

(b) Type of the foreign employment.

(c) Types of workers and their Number.

(d) The Wages, Privileges and Leaves benefit available to the workers.

(e) Working days and hours of the workers

(f) The copies of the requisition letter and original authority letter being certified by the authorized entity of the Country where the worker are being sent or the foreign mission or the labor attaché of chamber of commerce or the Notary Public of such country.

(g) The copy of the contract to be entered into between the Employment providing institution and the Workers.

(h) The copy of the contract to be entered into between the license holder and the workers.

(I) Other particular as prescribed.

(2) Upon reviewing the applications submitted pursuant to subsection (1), if the demand made by the license holder is found to be appropriate then the department may give prior approval within four days from the date of application commence the work of sending the Nepalese workers for Foreign Employment.

(3) Notwithstanding anything maintained in subsection (2) above the department shall not give the prior permission to select the workers under the following condition.

(a) If the services, term and facilities are found unsatisfactory in proportion to the qualification demand by the employment providing intuition

(b) If the propose foreign employment is against the value, dignity or health of the worker.

(c) If found non-suitable from the security point of view .

(d) Any other condition as prescribed.

(4) If it is decided not to grant the prior permission pursuant to sub-Section (3) the license holder shall be given a notice of such decision along with the reasons thereof.

(16) Advertisement to be published;

(1) After obtaining the permission pursuant to section (15) the license holder, for the purpose of selection of the workers, shall, publish an advertisement in a Daily Newspapers of national level in Nepali language by giving a time limit of at least seven days and such advertisement shall disclose all the details as prescribed.

(2) The notice of the advertisement published pursuant to subsection (1) shall be put on the notice-board on the office of the concerned License Holder and on same days submit one copy of such notice to the Department.

(3) After the publication of the advertisement pursuant to subsection (1) the person willing to go for foreign employment shall submit an application attaching with particular as prescribed to the license holder.

(17) Workers to be selected and a list prepared:

(1) After receiving the application pursuant the subsection (3) of section (15), according to the nature of the work and on the basis of the qualification and

experience of the applicant and other matter, the license holders shall select the workers and prepare a list of the selected workers and such list the workers and such list shall be put on the notice board of the office of the license holder and submit one copy of such list to the Department.

(2) If the department receives the any complain regarding irregularities while preparing the list of the workers pursuant to subsection (1), or if the Department receives such information through any other means, then the Department may conduct necessary investigation immediately and while performing such investigation upon such order to stop all the activities regarding the selection of workers immediately.

(18) Permission to be obtained to take the passport of Foreign Country: The License holder shall obtain the Permission of the Department if it has to take the passport of the workers selected for foreign employment pursuant to section (17), outside Nepal for the purpose of acquiring the Visa.

(19) Provision relating to Sticker of Labor Permission ;

(1) The License Holder shall after acquiring the Visa for the workers selected pursuant to section, 17 , and before sending such workers for foreign employment, send a written letter to attaching following particulars to the Department for the purpose of obtaining sticker for labor permission;

(a) A certificate of Training if any work requires a skilled training and the Certificate of Orientation Training;

(b) Certificate of health;

© Certificate of Insurance;

(d) Contract entered between the License Holder and The Worker;

(e) Contract entered between Employment Providing institution and Worker.

(f) The Receipt or the Bank Voucher of the amount paid by the worker to the License Holder;

(g) Other matters as prescribed.

(2) While examining the details submitted pursuant to subsection (1), if it is found to be concurrent with the details submitted pursuant to section 15, the department shall put the sticker of the permission for labor in the passport of the worker within 3 days.

(3) If the details submitted pursuant to subsection (1) is found to be different from the details submitted pursuant to section 15 then the department may stop the license holder from sending workers for foreign employment and give a notice to license holder including the reason for such action.

(20) Sending for foreign employment;

(1) After intimating the notice pursuant to section 19, the license holder shall if there is a specified time period mentioned for entry of such worker in the concerned country within such time limit and if there is no time period for entry is mention then within three months sends such worker for foreign employment.

(2) If the license Holder is not able to send such worker for foreign employment within the time limit set by subsection (1), the concerned license holder shall return the amount taken from such worker along with an interest of 20% within 30 days.

(3) If any worker refuses to go or becomes unable to go for foreign employment after acquiring the Visa, the license holder shall return the all the amount but may deduct visa fees only from such amount. However, if the worker refuses to go for the fact that the terms were different from the one mentioned in the advertisement as per the prior permission, in such cases, the Visa fees shall not be deducted.

(21) May go for foreign Employment on personal Level;

(1) If any person who wishes to go any foreign country for the purpose of foreign employment on a personal level than such person shall submit an application to Department for the permission stating the following details;

(a) Country of foreign employment.

(b) Nature of work to be performed in the foreign employment.

(c) Letter of approval issued by the Employment Providing Institution

d) Agreement clearly containing the terms and condition of the employment.

(e) Certificate of Orientation Training;

(f) Certificate of Health.

(22) National Air Port shall be used ;

(1) While sending worker for foreign employment the license Holder shall use the National Airport to send them out.

(2) If sending of worker though National Airport pursuant to Sub section (1) is not possible by reason of unavailability of Air-ticket, if it becomes necessary to use the foreign airports to send such workers, the permission of the Department shall be obtained.

(3) After obtaining permission from Department pursuant to Sub section (2) while departing Nepal to make use of foreign airport, it is necessary to register particulars as prescribed in the Immigration office of departing point.

(23) Minimum Wage may be fixed; The Government of Nepal may, after publishing a notice in Nepal Gazette, fix a minimum wage for the workers going for foreign employment

(24) Service charge and Promotional expenditure;

(1) The Government of Nepal may, for any special country or company, fix the maximum amount of service charge and promotional expenses to be levied to each worker by the Institution.



(2) After the license holder notify the worker selected for foreign employment of issuance of visa from the country of foreign employment, the workers must deposit contracted amount either in the office or bank account of the license holder.

(3) If the payment pursuant to sub section (2) is made in the Office of the License Holder, the receipt of such payment shall be given to the worker.

(25) To enter into contract for Foreign Employment.

(1) Before departing for foreign employment, a contract between the Employment Providing Institution or its representative and the worker; and between the License Holder and the worker need to be signed and the worker should be clearly explained before signing the contract about the terms and conditions of employment, the terms to be compiled by both parties, the amount of remuneration to be paid to worker.

(2) The License holder shall translate the Contract entered into pursuant to subsection (1) in Nepali Language and submit two copies to the department and the Department shall certify such Contract and keep one copy with itself and give the other copy to the worker.

(26) Insurance to be done;

(1) Before sending worker for foreign employment, the license holder must procure insurance coverage up to five lakh Rupees for coverage must insure against the death or physical injury of worker occurring from whatsoever reasons and must remain valid during term of foreign employment.

(2) Any person going for foreign employment on a personal level under section 21 shall also insure himself for the amount mentioned under subsection (1) before going for such foreign employment.

(3) Other provision regarding the insurance shall be as prescribed.

## **Chapter 5**

### **Provision regarding Training and the Classification of workers**

(27) Must obtain training ; the workers before going for foreign employment, must obtain orientation training as prescribed from the Institution which has obtained permission from the Department pursuant to Section 28

(28) Provision regarding Institutes organizing the Orientation Training;

(1) Every Institution desirous of conducting orientation training program for worker going for foreign employment must apply to Department to Obtain permission for such conducting such orientation training.

(2) The application received by Department under Sub-Section (1) must be submitted to the Board.

(3) On the of the application under Sub-Section (2) the Board, if it is satisfied after conducting necessary enquiries and investigations that the conducting orientation program is sufficient, it may write to Department for issue license to applicant for conducting orienting training for workers going for foreign employment.

(4) If the Department written instruction for granting license pursuant to subsection (3), the Department may, after receiving the deposit and license fees as prescribed from applicant for conducting, issue license to applicant to conduct orientation training

(5) If the institution has been conducting the Orientation Trainings by obtaining permission prior to the commencement of this Act, the Department shall renew the license if the institution has fulfillment the requirement and criteria as set under this Section.

(6) The renewal of the license for conducting orientation training issued to institution under this section and the provisions regarding renewal fees shall be as prescribed.

(29) Curriculum for the Orientation Training and Determination of its standard: The Board determines the curriculum for the Orientation Training and the Standard of such Orientation Training to be conduct by the institutes having obtained the permission pursuant to Section 28.

(30) Skill Oriented Training Must be acquired ; Any worker going for foreign employment which requires skillful training must acquire such training from the institute recognized by the Government of Nepal.

(31) Classification of Workers ; The provision relating to the classification of the Workers going for the foreign employment and the skill required pursuant to such classification shall be prescribed by Government of Nepal by publishing notice in the Nepal Gazette.

## **Chapter 6**

### **Provision relating to the Foreign Employment Welfare Fund**

(32) Establishment of the Foreign Employment Welfare Fund ;

(1) For the purpose of providing social security and welfare to the workers and their family who have gone to or returned from the foreign employment, a Foreign Employment Welfare fund shall be established under the Board

(2) The Fund established pursuant to subsection (1) shall have the following amounts.

(a) The prescribed amount deposited by the worker prior to going for the foreign employment.

(b) The Interest earned by mobilizing in prescribed way the security deposit amount maintained pursuant to subsection (2) of Section 11

( c) Amount collected from license fees and renewal fees.

(d) The fees obtained for issuing license for conducting training pursuant to section and renewal fees of such license

(e) The amount received by the Fund from Institution related to Foreign Employment Enterprises from time to time.

(f) Grants and support received from donor or person either National or Foreign

(3) Before receiving the grant from foreign person donor agency pursuant to (f) of Subsection (2), a prior permission from the Government of Nepal is required.

(33) Use and operation of Foreign Employment Welfare Fund;

(1) The Foreign Employment Welfare Fund shall be used for the following purposes

(a) To provide skill oriented training to workers going for foreign employment.

(b) To call back the workers who has become injured or has to be called back to country pursuant subsection (1) of Section 75; to give compensation and to provide financial support to workers whom has come back accordingly or to his/her family.

(c) To conduct employment oriented program to workers who has returned from foreign employment.

(d) To bring back unattended dead body of worker in Nepal who had died during foreign employment and to provide financial support to his/her family

(e) To carry on activities to promote foreign employment.

(f) To perform activities as prescribed (2) other provision regarding the operation of Foreign Employment Welfare Fund shall be as prescribed.

## Chapter 7

### Provision regarding inspection and supervision

(34) To perform inspection;

(1) The Department shall from time, Inspect and supervise the office of the license holder to see if the office of license holder has been observing the provision of this Act, Regulation formed there under and the directives issued pursuant to this act and for this purpose, it may insthe notice of the advertisement pect the records and any other related documents kept/maintained by the license holder.

(2) It shall be the responsibility of the license holder to provide the records and the details called upon during the inspection and supervision don pursuant to sub-section (1).

(35) To perform supervision;

(1) If the Department receives the complain from the workers regarding the employment Providing Institution not fulfilling the liabilities under the contract or the license holder not taking the required and necessary activities so as to make others perform the terms and conditions under the contract, the department shall perform or shall make other perform necessary Investigation.

(2) If it seems necessary to call the concerned workers back to country after making investigation pursuant to Sub-section (1) The Department shall order the license holder to make available necessary amount to help bring such worker back to the country.

(3) If the license holder fails to make available the amount pursuant to the order issued by the Department under the sub-Section (2) the worker shall be brought back to the country using the security amount as deposited under section 11. The concern the license holder shall be send a notice as soon as possible to reimburse such amount spend from the security deposit and the license holder shell reimburse such amount within fifteen days of receiving such notice.

(4) If security deposit kept pursuant to section 11 is not enough to bring back such worker to the country, then such insufficient amount shall be deposit by the license holder within the time period specified by the Department and if such deficit not paid within such time limit, it shall be considered as government debt and shall be recovered accordingly.

(36) Filing complains for compensation;

(1) The worker or his / her representative may file a complaint along with evidence at the department for compensation if the employment providing institution fails to provide employment as per the term of the contract

(2) Upon completion of investigation pursuant to sub-section (1), if the complaint is found to be reasonable, the Department may order license holder to pay the entire amount incurred for going to foreign employment as compensation.

(37) May Issue Directives;

(1) The Government of Nepal may issue directives to the license holder from time to time in regard to foreign employment

(2) It shall be the duty of the concerned license holder to comply with the directors issued pursuant to sub-section (1).

## **Chapter 8**

### **Establishment of the Board and its Function, Duties and Power**

(38) Establishment of Board;

(1) For the purpose of promotion of the Foreign Employment Enterprises, and to make such profession secure, well managed and prestigious and for the purpose of protecting and preserving the interest of both worker and foreign employment entrepreneur, a Foreign Employment promotion Board comprising as prescribed in this Act.

(a) Minister/State Minister Labor and Transportation Management  
Chairman

(b) State /Assistant minister Labor and Transportation management  
Vice-Chairman

(c) Member National Planning Commission – Member

(d) Secretary Labor and Transportation management – Member

(e) Secretary or Gazetted First class Officer nominated by the  
Secretary Ministry of Home Affairs - Members.

(f) Secretary or Gazetted First class Officer nominated by the  
Secretary Ministry of Foreign Affairs - Members.

(g) Secretary or Gazetted First class Officer nominated by the  
Secretary Ministry of Finance – Members.

(h) Secretary or Gazetted First class Officer nominated by the  
Secretary Ministry of Law Justice and Parliamentary Affairs - Members.

(i) Secretary or Gazetted First class Officer nominated by the  
Secretary Ministry of Women Child and Social Welfare – Members.

(j) Director General Department – Member.

(k) Representative (Equivalent to First Class Officer), Nepal Rasta  
Bank – Member.

(l) Two Representative including one Woman nominated by the  
Government of Nepal from among the Expert field of Foreign Employment-  
Member.

(m) The President of Foreign Employment Business Association and  
one female representative nominated by the Association making a total of two-  
Member.

(n) Two representatives including one woman nominated by the Government  
of Nepal from among the organizer of skill oriented and Orientation Program  
Training to –Member.

(o) One representatives nominated by the Government of Nepal from the from the Health institution having permission pursuant to section 72 and having a minimum qualification of M.B.B.S. – Member.

(p) The president from four authorized Trade Union as prescribed by the government of Nepal or their representatives nominated by, them making a total of four person – Member.

(q) Representative from Federation Nepal Chamber of Commerce and Industry- Member.

(r) Representative, Technical Education and Vocational Training Council – Member.

(s) Executive Director –Member –Secretary.

(2) The term of service of the member nominated by the government of Nepal pursuant to sub-section (1) shall be of two years.

(39) Function, Duties and Power of the Board: Apart from the function duties and power of the Board mentioned elsewhere in this Act, the Function, Duties and Power of the Board shall be as follows;

(a) To study or to make other study the International Labor Market and to find and make other find new International Labor Market.

(b) To collect information, analysis and publish them for the purpose of promoting foreign employment.

(c) To mobilize and to causes to perform necessary action the foreign employment.

(d) To perform or causes other to perform necessary action to sure the interest of the workers who have gone for foreign employment.

(e) To plan, implement, monitor and evaluate programs for national interest by utilizing the skills, capital and the technological knowledge gained by those workers who have return from abroad.



(f) To perform necessary work relating to labor treaties to be entered into with various countries.

(g) To specify the qualifications for registering institution that conducts Foreign Employment Orientation Training program.

(h) To design and approve the curriculum for foreign employment Orientation Training program.

(i) In order To make the business of foreign employment secured managed and prestigious; and papered and submit to Nepal Government the long term and short term policy needed to be followed for the purpose of preserving the right and interest of both worker going for foreign employment and Foreign Employment Entrepreneur.

(j) To make revision of Foreign Employment Act if it is so necessary and provide suggestion to Government of Nepal for necessary reform on it.

(k) To advice Government of Nepal after making overhaul regarding implementation of Foreign Employment Act.

(l) To provide advice to the government of Nepal regarding fixing of service charge and Promotion Expenses..

(m) To give advice the government of Nepal about making necessary arrangement for easy and simple way of remitting in Nepal of earning of Nepali workers in foreign countries.

(n) To make complain in writing to the concerned department /office for taking necessary action if someone if found of breaching the provision of Foreign Employment Act.

(o) To monitor the activities of license holding institution which carry out the foreign employment business.

(p) to monitor or causes to monitor the institution having license or permission to provide Orientation and Skill Orientation Training Program.

(q) Upon monitoring or being monitored by other pursuant (o) and (p), if some one is found of violating the provision of the Act or rules made there under, to recommend in writing to the concerned department office for necessary action.

(r) To submit annual report of the activities performed by itself to the Government of Nepal.

(s) To perform or causes other to perform functions as prescribed.

(40) Meeting of the Board and its Decision:

(1) The board shall convene its meeting whenever it deems necessary.

(2) The meeting of the board shall convene at such date, time and venue as prescribed by the Chairman of the Board.

(3) The quorum of the meeting of the board shall be considered to have been met if more than 50% of the members of the Board are present at the meeting.

(4) The meeting of the Board shall be chair by the chairman, in his absence by vice-chairman and even if the vice-chairman also absent, the members of present at the meeting shall choose among themselves one person to chair such meeting.

(5) The decision of a majority in the meeting shall prevail and in the cases of a tie of votes, the chairman shall exercise his casting vote.

(6) The member- secretary of board shall certify the decision of the meeting of the Board.

(7) The Board may invite Specialists/expert in related field or officials to take part in the board meeting as an observer.

(8) Other procedure related to the Board meeting shall be prescribed by the Board itself.

(9) The Chairman and other members shall be entitled to such remuneration as fixed by the government of Nepal for attending the meeting.

(41) Appointment of executive director and the function, duties and power:

(1) To carry on the daily activities of the Board as the Chief, Executive government of Nepal, shall appoint, through open competition as prescribed a person having the prescribe qualification and who has not involve in foreign employment enterprise before to work as the Executive Director.

(2) Notwithstanding anything mentioned in sub-section (1) until the post of Executive Director is fulfill the, government of Nepal shall nominate first class Gazetted Officer to work as an acting Executive Director for a maximum period of three months.

(3) Term of service of an Executive Director shall be of four years.

(4) The remuneration term and service and privilege of the Executive Director shall be prescribed.

(5) The function ,duties and power of Executive Director shall be as follows:

(a) To implement and cause to implement the decision of the Board.

(b) To perform other function as prescribe.

(42) The secretariat of the Board:

(1) The Board shall have a separate secretariat.

(2) The Executive Director shall be head of the secretariat.

(3) The government of Vepal shall provide the require number of employees to the secretariat.

## **Chapter – 9**

### **Crime and Punishment**

(43) Punishment for operating foreign Employment business without license.

If any one operate foreign employment business without obtaining a license which is against the provision of section 10 or money by giving false assurances or putting temptation on such person by explaining the he shall be sent for foreign employment or ha sent any person aboard for foreign employment, the compensation from person doing so. He must also reimburse the cost of found trip

ticket incurred by the person that has also be liable to a fine ranging from three lakh to five lakh rupees and an imprisonment for a term ranging from three years or seven years. Such person shall be liable to that the half of such punishment if he has yet and any worker abroad for employment.

(44) If the License holder send the worker with out permission.

If any license holder send worker aboard without obtaining the license from department or take money from any person by giving false permission assurance or temptation to send such person for foreign employment but fails to send such person for foreign employment abroad the amount so taken and fifty percent of such amount shall be realized as compensation from the person doing so and the license holder shall also liable to a fine ranging from three lakh rupees and imprisonment for a term ranging from three years to seven years and the license of such license holder shall also be cancelled.

(45) Punishment for sending a minor for foreign employment;

If any license holder sends any minor for foreign employment against the provision of Section 7. Such License Holder shall be liable to a fine of Three Hundred Thousand to Five hundred Thousand Nepalese Rupees and an imprisonment for term ranging from three to seven years,

(46) Punishment for sending workers to countries not opened by the Government;

If any License Holder sends workers to such countries where Government of Nepal has not permitted to operate foreign employment business or sent worker to such non permissible country by obtaining visa from permissible country, such license Holder shall be liable for a fine ganging from Three Hundred Thousand to Seven Hundred Thousand Nepalese Rupees and for imprisonment for term ranging from three to five years. Such person shall be liable to the half of such punishment if he has not yet sent any worker aboard for employment.

(49) Punishment for not publishing the Advertisement;

(1) if a License Holder does not publish the Advertisement pursuant to Section 16 or published the advertisement without obtaining the permission from the Department, the Department shall fine such License Holder a sum of Fifty Thousand Nepalese and order to cancel such advertisement.

(2) While publishing the Advertisement, if no details, which are required to be disclosed by approval letter, obtained under Section 15 is not disclosed, the Department shall order to re advertisement by correcting such details.

(50) Punishment for not publishing the Selection List:

If a License Holder does not publish the Selection List of the workers pursuant to Section 17 or does not notifies the Department after publication of such list, the Department may fine such license Holder a sum of Fifty Thousand Nepalese Rupees and may order to re publish such selection list.

(51) Punishment for denial to return the Amount or pay Compensation :

(1) Any License Holder who does not return the money within a time limit as mentioned under subsection (2) of Section 20 or refuses to pay the compensation prescribed under Subsection (2) of Section 36, the Department shall pay the concerned worker such amount or provide compensation from the security amount deposit by the License Holder pursuant to Section 11 and may fine such License Holder a sum of One Hundred Thousand Nepalese Rupees and revoked the such License.

(2) In case the amount deposited under Section 11 is insufficient to recover the amount or compensation paid to the worker pursuant to Subsection (1) above, the license-holder shall be notified by the Department to reimburse such insufficient amount by giving 60 days notice, if such amount is not reimbursed within such notice period, it shall be realized from the assets of the license-holder.

(52) Punishment for sending workers on a personal level by the License Holder.

Any License Holder who sends workers on a personal level against the provision of subsection (3) of Section 21, such License Holder shall be fined a sum ranging from One Hundred Thousand to Three Hundred Thousand Nepalese Rupees or the License shall be revoked or both.

(53) Punishment for taking excess money regarding Visa Fees, Service Charges and the Promotion Charges:

Any license Holder who obtains the Visa free of charge by levy charges for obtaining such visa or takes excessive charges or expenses than prescribed, the Department shall order to refund the visa fees that is not chargeable or such excessive fees or charges so taken to concerned worker and shall fine the License Holder a sum of One Hundred Thousand Nepalese Rupees.

(54) Punishment for not complying the Orders or Directives;

Except as provided in this Chapter, any license-holder who does not comply with the provision of this Act or the Rules framed under this Act, orders or directives issued therein, The Department shall issued therein, the department shall issue a warning letter for the first occasion, fine Five Thousand Nepalese Rupees for the second occasion and if repeats the same on the third time, it may fine a sum of one Hundred Thousand Nepalese Rupees and revoked the License.

(55) Punishment for against the Contract:

Any License Holder who enters into contract with a worker telling him to employ in particular company but requires him to work with less remuneration and privileges in different company or requires him to work in the company with entirely different nature of work or he has been employed in entirely a different type of work other than those specified at the time of sending him for foreign employment or are being employed with less remuneration and privileges than they were initially contracted for, the Department shall fine such License Holder a sum

of one Hundred Thousand Nepalese Rupees and the Department shall help such workers to recover from the license-holder the lesser amount that was not paid.

(56) Punishment to accomplice;

An accomplishment to any offense punishable under this Act or any person who abetting to commit an offense this Act shall be liable to half of the punishment To be imposed on the person actually committing such offense.

(57) Punishment as the person acting as e head:

Where any firm, company or institution or license holder commits any deemed to be offense under this chapter, an Officer or the employee is punish if they are figures out as committing such office, in case, where no officer or employee is figured out, the person acting as the head of Firm, Company, Organization at the time of commission of such offence shall be punished.

(58) License shall not be-issued:

Once the license of a license Holder is revoked pursuant to provision of this chapter, no license shall be re-issued in the name of same organization and same directors.

(59) Opportunity to be provided:

Before removing the license pursuant to this Chapter, the concerned license holder shall be given an opportunity to be heard.

## **Chapter 10**

### **Investigation and Enquiry**

(60) Limitation to the file Complain:

Expect offences committed there are punishable under Section 43,44,45,46 and 47 a complaints relating to any other offence punishable under this Act can not be initiated unless filed within one year from the date of commission of such offence.

Provided, however that filing of complaint by worker within one year of returning to his country shall not be considered as prohibited by this Section.

(61) Investigation and Enquiry of offences related to foreign Employment:

(1) In case the Department comes to know, through any information, any source direct or indirect or a complaint lodged by any person, that the offence has already been committed or is going to be committed the offences under this Act or Rule framed there under, the Department shall designate necessary third class gazette officer as investigation officer who shall initiate necessary investigation, inquiries and other action in this regard.

(2) While initiating investigation or inquiry or collecting evidence concerning offence as contained in Sub-section (1), the investigating officer shall have authority to take immediate action including arrest of accused person to raid any place relating to offence, seizure of documents or goods and items relating to offence to record the statement, preparing report of public inquiries and including any such authority as the police is having under the prevailing laws.

(3) While carrying investigation and inquires pursuant to sub-section (2), upon recording the statement of accused person, if investigating office has reasonable ground to believe that the accused may have committed the offence, the Officer may require such accused to appear on prescribed sate or release him on deposit or on guarantee or proceed with cases by detaining him, with prior approval from case hearing authority, un case he is unable to furnish such deposit or guarantee as may be necessary or may continue to proceed with case by holding such accused in judicial custody upon obtaining permission from case hearing authority. Such judicial custody may last 7 days at a time and may not exceed 30 days in total.



(4) Upon completion of the investigation and inquiry pursuant to this Section, the investigation Officer shall take the opinion of the government attorney before filing the case in its own name.

(5) It shall be the duty of all concerned parties including the police to provide the necessary support to the investigation Officer on performing investigation and inquiry pursuant to this section.

(6) When the investigation Officer conducting investigation or inquiry pursuant to this section of the offence related to the foreign employment have sufficient and appropriate reason to suspend the license holder, the officer shall submit a report to the Department showing the appropriate and sufficient ground for suspension.

(7) On the basis of report submitted under section (6), the Department may suspend the license of the License Holder for a period not exceeding Six months.

(62) Power of Arrest:

(1) If some one has committed an offence under section 43 of this Act and there is a possibility that such suspect may escape if no immediate arrest is made, in such situation, police officer may arrest such person with out warrant.

(2) A person arrest pursuant to sub section (10 shall be produced before a case hearing authority within a period of twenty-four hours. After such arrest excluding the time necessary for the journey from the place of arrest o such case hearing authority.

## **Chapter 11**

### **Procedure of Law- suit and decision**

(63) The government of Nepal to be the plaintiff:

The government of Nepal shall be the plaintiff in case filed under this Act.

(64) Provision relating to foreign employment Tribunal;

(1) Except for the cases to be persecuted by the Department as mentioned in this Act, for the purpose of taking preliminary action and disposing of such other cases, the Government of Nepal shall by publishing a notice in the Nepal Gazette, establish three members Foreign Employment Tribunal under the chairmanship of the Judge of the Appellate Court and shall include one member from case hearing officer of Labor Court, and other member as First Class Gazetted officer from judicial Council

(2) The term of service of the Chairman and the Members of the Foreign Employment Tribunal shall be of four years

(3) The Foreign Employment Tribunal shall exercise its jurisdiction as prescribed

(4) Until the tribunal pursuant to this Section is established, all the functions and procedurals of the Foreign Employment Tribunal shall be done the concerned District Court.

(5) The Government of Nepal shall provide the required number of employee for the Foreign Employment Tribunal.

(68) Appoint of Labor Attaché

1) the government of Nepal shall appoint labor attaché at least of the level of Gazetted Officer to such countries where five thousand or more labors have been sent for foreign employment

(65) Procedure of Law-suit:

The producer for filing and disposition of case under this Act shall be done according to the Summary procedure Act,2028.

(66) Appeals:

(1) any part not satisfied with the decision made by the Department pursuant to this Act may submit an Appeal of the Government of Nepal within thirty- five days of such decision.

(2) Any part not satisfied with the decision made by foreign employment Tribunal pursuant to this Act may submit an Appeal to the Supreme Court within Thirty-five days of such decision.

## **Chapter 12**

### **Miscellaneous**

(67) Foreign Employment Department:

There shall be one Foreign Employment Department under the Ministry of Labor and Transportation Management for the purpose of performing the function relating to foreign employment.

(68) Appointment of labor attaché:

(1) The government of Nepal shall appoint Labor Attaché at least of a Gazetted Officer to such countries where five thousand or more labors have been sent for foreign employment

(2) The function, duties and powers of the labor attaché shall be as follows:

(a) To notify the Government of Nepal regarding the labor and employment situation of the country where Nepali workers are being employed, factual information regarding immigration, and the steps taken by such countries in respect of protecting the interest and well being of the labors, protection of labor Labor and International Human Rights and protection of other rights of the workers.

(b) To help assist in resolving the problems arising out of the disputes between among the workers and the employing enterprises or the License Holders.

(c) To make or causes to make necessary arrangements to bring back workers who have fallen in distress in due course of their employment in foreign country.

(d) To notify the Government of Nepal if there is a possibility of having job opportunities as per the skill of Nepalese workers in such concerned countries.

(e) To taken initiation in making arrangement by obtaining help or assistance from concerned country of employment Providing Institution in order to bring back the bodies of the workers killed due to natural disaster or worker who fell in distress due to other cause.

(f) Put an effort at government level to conclude bilateral agreement for the purpose of supplying Nepalese workers.

(g) To provide necessary counseling to the workers and discourage such workers from getting in any other than those specified in contract.

(h) To supervise any activities that may adversely affect the workers

(i) To perform any other acts as Government of Nepal may prescribed from time to time.

(3) If there are both, the Foreign Mission and the Labor Attaché in a particular foreign country, it shall be the duty of Labor Attaché to perform the function and duties mentioned under subsection (1).

(69)Remittance of the income of the workers:

(1) The saving made by the Nepalese workers from foreign employment shall be remit back to Nepal through Bank or License Holding Banking Service Providing Intuition.

(2) Notwithstanding anything mentioned under subsection (1), while returning to Nepal, a worker shall be permitted to carry with him the saving made in course of his foreign employment.

(3) Any worker who remits the saving made from foreign employment within contract term through bank or Intuition licensed to provide bank service shall be entitled to receiving facilities as prescribed

(70) License not issued:

Notwithstanding anything mentioned elsewhere in this Act, an entity not be issued a license if the Executive or Directors sitting on the Board of such company has been convicted by the court, and have not completed five years period of such convection, on any offence under this Act.

(71) Reward by the government of Nepal:

(1) The government of Nepal may reward by giving letter of appreciation to excellent License Holder each year on the basis of prescribed criteria as recommended by the Board.

(2) Any other provision regarding the rewarding of the License Holder shall be as prescribed.

(72) Provision regarding Health Check-up;

(1) Worker, before going to foreign country for employment, shall perform the health check-up from the Health institution as approved by the Government of Nepal.

(2) When a person, who had gone for foreign employment after performing the health check up pursuant to subsection (1), has to come back to home by virtue of being given the false health report knowingly or with negligence or with ill-intention, the institution performing such health check up shall bear all the cost pertaining to traveling in respect to such foreign employment.

(3) In order to determine whether false health report was is given pursuant to Sub-section (2), there shall be an Expert Committee as prescribed.

(73) Provision regarding Labor – Desk;

(1) The Government of Nepal shall create Labor-Desk at the International Airport and at any other places as deemed necessary for the purpose of determine whether the workers who have been going for foreign employment are complying with the provision of this Act.

(2) The Labor-Desk kept pursuant to Sub- section (1) shall check to see weather the workers, who are proceeding for foreign employment, possess the necessary documents, receipt of the money paid or the Vouchers.

(3) The Labor-Desk created pursuant to subsection (1) shall submit to Ministry every week a report along with record of workers gone for foreign employment.

(74) Provision relating to opening of Branch Office and appointment of Agents:

(1) A License Holder, by obtaining prescribed permission from Department, may open its Branch Office or appoint its agents in those countries where in had already sent the workers.

(2) The License Holder may open Branch Office or appoint its agents in within Nepal after obtaining the permission from Department as prescribed.

(3) While appoint the Agent pursuant to Sub- section (1) and (2) the license Holder shall provide security deposit in the amount as prescribed and the license Holder shall be liable for the works done by its Agents.

(4) Other provision regarding opening of Branch Office and appointment of agents shall be as prescribed.

(75) Provision regarding sending backs the workers to the country:

(1) If any workers is left neglected due to unavailability of the facilities as maintained in the Contract and has under a situation to return home, the license holder shall take necessary step to bring such workers back home.

(2) Due to War, epidemic or Natural Disaster in the country from where Nepali workers have to be recalled immediately, the Government of Nepal through its diplomatic Mission or the Labor Attach shall take necessary step to bring such workers back home.

(76) Returning Nepal upon expiry of the Visa:

(1) Those workers who have gone for foreign employment under this Act shall have to return Nepal upon the expiry of this visa issued by concerned country.

(2) For those workers who failed return pursuant subsection (1), it shall be responsibility of the License Holder to bring such workers back home through the help from the Department.

(3) Those worker who been brought back home pursuant to sub section (3) the Government of Nepal may prohibit such worker for three years from traveling abroad.

(77) Privileges of the License Holder:

While in the process of operating the business of foreign employment the License Holder shall be given certain privileges in term of transaction in foreign currency.

(78) The details regarding the enterprises holding License to be made public:

(1)The Department shall, from time to time, publish in various newspapers and in its website, the details regarding the Name, Address, Telephone number, Agent appointed, or Branch Opened, if any, and the term of License regarding the institution holding License under this Act.

(2) While making the details public pursuant to Subsection (1), the fact that any license holder is being investigated foe offence pursuant to this Act or if the License holder has been cancelled shall also be regularly disclosed.

(79) Regarding the activity of the Department:

(1) The Department shall submit a monthly report of this activities perform pursuant to this Act to the Government of Nepal, Ministry of Labour and Transportation Management.

(2) The ministry shall issued directives from to time to the Department Regarding the activity is performing pursuant to this Act.

(80) Records and Reports:

(1) The License Holder shall keep a record of all the worker have been sent for foreign employment in a prescribe format. Such record may be investigated, called for and examined by the Department at any time.

(2) Every License Holder shall submit annual report to the Department including the require details within thirty days after the end of every Fiscal year.

(81) Delegation of Power:

(1) The Government of Nepal may, by publication of a notification in the Nepal Gazette, delegate its all or any power conferred on it by this Act, to any Government body or Officer.

(2) The Board may delegate some of it power conferred on it by this Act to the Executive Director.

(82) Power to Remove Obstruction:

In case any difficulties or obstruction arises in the enforcement of any objectives of this Act, government of Nepal may publication of a notification in the Nepal gazette, issue necessary orders to remove the same.

(83) Immunities for action Taken with Bonafide Motives:

The Government employee shall not be held individually liable for any action taken with bonafide motives under this Act.

(84) Applicability of Current Law:

Action in respect o matters provided for in this Act shall be taken accordingly, and action in respect to other matters shall be taken with prevailing law.

(85)Power of Frame Rules:

For the purpose of implementing the objectives of this Act, the Nepal Government may frame necessary rules.

(86) Real and Saving:

(1) The Foreign Employment Act, 2042 has been repealed.



(2) All acts and activities carried out in accordance with the Foreign Employment Act 2042 shall be deemed to have been carried out in accordance with this Act.

87. Transfer of case:

At the commencement of this Act, if a cases is investigated, inquired, and filed in the district Court pursuant to the Foreign employment Act 2042, such case shall be transferred to the tribunal upon it formation pursuant to section 64.

Date of certification: 2064/5/19 (5september, 2007)

By the order,

Dr.Kul Ratna Bhurtel

Secretary of the Government of Nepal:

THE END

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